

ΑΝΑΛΕΚΤΑ ΒΛΑΤΑΔΩΝ

24

MAXIMOS  
METROPOLITAN OF SARDES

THE OECUMENICAL PATRIARCHATE  
IN THE ORTHODOX CHURCH

A STUDY IN THE HISTORY  
AND CANONS OF THE CHURCH

TRANSLATED FROM THE GREEK BY  
GAMON McLELLAN



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### *List of Abbreviations*

<i>Abh. Bayr. Ak.</i>	<i>Abhandlungen der Bayerischen Akademie der Wissenschaften.</i>
<i>CJC</i>	<i>Corpus Juris Civilis.</i>
<i>DTC</i>	<i>Dictionnaire de Théologie Catholique.</i>
<i>Ἑκκλ. Ἱστ.</i>	<i>Ἑκκλησιαστική Ἱστορία</i>
<i>JTS</i>	<i>Journal of Theological Studies</i>
<i>MEE</i>	<i>Μεγάλη Ἑλληνική Ἑγκυκλοπαίδεια.</i>
<i>Monum. Sacra</i>	<i>Monumenta Sacra.</i>
<i>Sb. Pr. AW .</i>	<i>Sitzungsberichte der Preussischen Akademie der Wissenschaften.</i>
<i>ΘΗΕ</i>	<i>Θρησκευτική καὶ Ἠθική Ἑγκυκλοπαίδεια.</i>

## INTRODUCTION

The first Panorthodox Conference was held in Rhodes from the twenty-fourth of September until the first of October 1961. It was convened on the initiative of the Oecumenical Patriarchate with the unanimous approval of the local Orthodox autocephalous churches.

The conference was held primarily to demonstrate the unity which has held the Orthodox Church together in faith and service throughout the centuries, despite what at times has been considered as its injurious decentralization and the independence of the individual churches. Its secondary purpose was to draw up the final agenda for the projected Holy and Great Council of the Orthodox Church.

Taking part as one of the delegates of the Oecumenical Patriarchate, I was able to experience at first hand the concord and spirit of unanimity that prevailed throughout the work of the conference, although it was the first time for so many centuries that representatives of all the autocephalous and autonomous Churches had come together to discuss questions of general ecclesiastical interest.

It is true that each of the delegates upheld his own views in the discussions, with fervour, sometimes indeed with asperity, yet they all showed basic mutual understanding and used a common tongue, the language of Orthodoxy. As a result, the dialogue was fraternal and ended in complete agreement on the matters under discussion.

No doubt as a result of misunderstandings, some curious articles have been published about tension and clashes between "Greek" and "Slav" Orthodoxy, about antagonism between the Oecumenical Patriarchate and the Russian Church, and about the victory of one over the other. Nothing could be further from the truth. No one scored a victory at Rhodes. Rhodes saw but one victory; the triumph of Orthodoxy.

Some curious views were put forward on the position and prerogatives of the Oecumenical Patriarchate as the first bishopric amongst the local autocephalous churches. These ideas, however, lost ground during the discussions, and the result was the reinforcement of the Oecumenical Patriarchate's special position and distinctive authority.

This appears to be a good example of the truly democratic spirit

governing the Orthodox Church, which in a mysterious way combines the two prerequisites of all deliberate ecclesiastical activity—*freedom* and *authority*; freedom of expression during the discussions, and authority, that is reverence and submission to truth, to the holy canons, to history and to the ancient ecclesiastical and canonical establishment and order.

Orthodoxy being life is organically structured, and as such has as head and centre the Oecumenical Patriarchate. No other church has exerted itself more for Orthodoxy; it has undergone severe hardships, fulfilling over the years what it has understood to be its function as the *Holy and Great Church of Christ*. The position and prerogatives of the local Orthodox churches were defined by the holy canons and the course of history, and the same is true for the Oecumenical Patriarchate as the first episcopal throne.

The fear expressed by some people that the Oecumenical Patriarchate exercises or is capable of exercising the rôle of a kind of Eastern Papacy is therefore both unjust and groundless. Such a rôle would be alien and unacceptable and is rejected by the canons and history of Orthodoxy. It would indeed be repudiated by the Oecumenical Patriarchate itself as a betrayal of the administrative system of the Orthodox Church, even if all the local Orthodox churches were to be willing to recognize the Oecumenical Patriarchate as possessing competence and jurisdiction beyond what has been prescribed by the canons and by history.

What is even less justified is the attempt by certain ecclesiastical and theological circles to ignore, question, restrict or curtail the position and prerogatives of the Oecumenical Patriarchate within the structure of the local Orthodox churches as a whole. These attempts stand condemned by the canons, by the history and conscience of the Orthodox Church and its entire membership.

It is this distinctive position held by the Oecumenical Patriarchate within the Orthodox Church which will form the subject of this book. It will have achieved its aim should it make a small contribution to the subjects on the list which obtained Panorthodox approval as the agenda of the projected Holy and Great Council of the Eastern Orthodox Church; subjects such as, for example, the relations between the local Orthodox autocephalous churches themselves, and between them and the Oecumenical Patriarchate, and the question of the *Diaspora*.

Where Orthodoxy is concerned, the term "church" is used interchangeably as a singular or plural to describe the visible shape of the Church. These two interchangeable terms, *Orthodox Church* and *Orthodox*

*churches* often lead to misunderstandings. They are said to demonstrate lack of unity, or even outright division in Orthodox Christianity. It is accordingly essential before coming to the end of the introduction to justify these interchangeable terms from an Orthodox point of view.<sup>1</sup>

Protestants often compare the plural *Orthodox churches* with the large number of branches in the Christian world resulting from the Reformation, so as to justify their own plurality. Roman Catholics, on the other hand, have seen the plural as a negative element, at least until just before the second Vatican Council, which set out to remind them of the *collegiality* of the bishops, and *the rights of the local church*, which had come to be forgotten.

Faced with this situation, Orthodoxy emphasizes to both kinds of Western Christianity, Roman Catholic and Protestant, that this interchangeable terminology, *Church* and *churches*, always obtains and is correct both canonically and theologically, given the ecclesiological premisses of Orthodoxy.

While the Roman Catholic world could be conveniently characterized as one church, because of its strictly single shape and appearance, it would be wholly incompatible with the claims of the Bishop of Rome to world-wide primacy of jurisdiction and to infallibility (the so-called *plenitudo potestatis*) were we to speak about *churches* within the Roman Catholic world. To attempt to speak about Roman Catholic *churches* would be quite incorrect, for there are no churches in the Roman Catholic world other than *Ecclesia Romana*, unless we are to talk about second class churches.

I do not know if the plural *churches* could be applied to the various groups resulting from the Reformation, since these are self-sufficient and independent of one another. It would, however, be quite impossible to describe all these self-sufficient ecclesiastical units as one *Church*, because they have deep doctrinal differences. Hence the only possible word to describe Reformation Christianity remains the term *Protestantism* which indicates not unity of faith, but a common attitude expressed by the act of protesting against Rome.

On the other hand, Orthodox Christianity can be, and is, called equally properly *the Orthodox Church*, in that it is united in the same faith and doctrine, and *Orthodox churches*, in that it consists of churches

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1. I here follow the pertinent remarks of Stylianos Harkianakis, now Archbishop of Australia: v. S. HARKIANAKIS, 'Über die gegenwärtige Situation der Orthodoxen Kirche,' in *Kyrios* VI, Berlin 1966, pp. 228 ff.

in full communion with each other, but nevertheless self-sufficient and independent (autocephalous).

To understand this structure of Orthodox Christianity, which perhaps appears paradoxical, it is essential to take into consideration a fundamental doctrinal conviction of the early Church which is clearly ecclesiological, proceeding, that is to say, from the Church's conception of its own nature.

Given that the Christian God is a Trinity, it follows that the principal ecclesiological premiss must also be Trinitarian, which means that the Church, founded so that it might participate in the divine life, has its model and archetype in the life of the Holy Trinity. Christ's desire and ontological demand are clearly expressed in His words in St. John's Gospel, XVII 21, "So that all may be one, just as You, Father, are in Me, and I am in You, so that they also may be One in Us, so that the world may believe that You sent Me."

In what relation do the persons of the Holy Trinity stand to one another? The Trinitarian doctrine of the early Church was quite precise; *three persons in one essence*. The Church has struggled hard for this central mystery of the Christian faith. The relation of unity and trinity, or generally of unity and multiplicity, has been the greatest problem of all Christian Theology, from the Trinitarian disputes of the early Church up until the ecclesiological discussions of recent years.

The undivided Church soon solved this problem as far as the Holy Trinity was concerned. The unity of the essence is not allowed to lead to confusion of the three persons of the Trinity. In the same way, belief in three persons is not to be interpreted as polytheism. The internal life of the Trinity, according to the formulation of the Fathers, is one of *περιχώρησις*, that is a process of mutual interpenetration of the three persons, unified with the bond of love. The first and last quality proper to the unity of the Holy Trinity is love, not subordination, which would damage the integrity of the second and third persons, and would degrade them. The three persons, accordingly, are seen as at the same time indivisible and unconfused.

Transferring this into the realm of ecclesiology, we can say that as the principle of *collegiality in unity* has been preserved as much as the principle of *independence* in the Trinity of persons, this solution also obtains for the ecclesiological problem as the only correct, canonical, scriptural and traditional one, if the Church believes that it has its model in the Holy Trinity.

*Eucharistic ecclesiology* also is used to interpret and justify the inter-

changeable terms, *Orthodox Church* and *Orthodox Churches*. This has begun to be challenged in recent years by theologians of both the Orthodox and Roman Catholic Churches.

Eucharistic Ecclesiology, which we shall deal with more extensively later on in this book, basically teaches the following: If the Lord is present Himself under the Eucharistic elements in the midst of His people united in the participation in the one bread and the one cup, then the Church is realized there to its full extent. The fulness of the communion and unity of all is brought about through sharing in the Eucharistic elements, a visible sign of unity in the faith, and is completed through the *παρουσία* and participation of the Lord. There can therefore be no higher form of ecclesiastical life, for above the Lord, no higher principle and authority can prevail.

We can thus conclude that the original basis of Eucharistic ecclesiology is the community or church in each particular place, in which the bishop with his clergy and people celebrates the Eucharist.<sup>1</sup>

The principle of *autocephaly* in its original form finds its expression in the genuine local church, that is in the unity of bishop, clergy and people, and not in a specific association of local churches. Accordingly all the bishops and leaders of the local churches are ontologically completely equal in honour, "after the image of the equality of honour of the divine persons," because each church, in the person of its bishop, has acquired the fulness of the Apostolic charismata. According to the ecclesiastical and canonical order of the Universal Church, however, which determines the interpretation of autocephaly, the bishops are not equal in honour. The interpretation of autocephaly in its widest, historical sense belongs not in the sphere of the *ontology* of the Church, but rather in that of its historical hypostatic form, as Father Alexander Schmemmann pertinently remarks when he gives this typical example to illustrate the point: the bishopric of Tula in the Patriarchate of Moscow is not an autocephalous church, but has acquired the fulness of ecclesiastical life. In the person of its bishop it is equal in honour and is organically linked to all the churches which have acquired the same Apostolic Succession, the same sacraments, the same tradition and the same faith, because where there is unity of bishop, clergy and people making

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1. HARKIANAKIS, op. cit., pp. 228 ff., and *Τὸ περὶ Ἐκκλησίας Σύνταγμα τῆς Β' Βατικανῆς Συνόδου* 1969, pp. 74 and 77-96 and nn. 118, 119, 120-121, 147. K. ΜΟΥΡΑΤΙΔΗΣ, *Σχέσεις Ἐκκλησίας καὶ Πολιτείας*, p. 123. V. LOSSKY, *La Théologie mystique de l'Eglise d'Orient*, p. 166 f.

one body, the fulness of the ecclesiastical gifts is to be found — because, in other words, the Universal Church exists in reality in the local church (*vere adest*).<sup>1</sup> Yet the Bishop of Tula is not *equal in honour* to the Patriarch of Moscow, because one is “subordinate”; the Patriarch has “first” position. Thus the Patriarch of Moscow, as Patriarch (not as bishop), is not *equal in honour* to the Patriarch of Alexandria, because in the ecclesiastical hierarchy one is fifth in rank, the other is second. It is essential therefore to make a distinction; first there is the ontological equality of honour of all the bishops and the churches over which they preside, seen from the point of view of the theology of the Church; secondly there is the hierarchical structure of the Universal Church. Within the latter, the individual local churches have acquired different prerogatives and a definite ecclesiastical hierarchic order. To confuse these two principles leads inevitably to the distortion of ecclesiology, whether in the form of the Roman Papacy, or of the debasement of bishops with episcopal areas to the level of being mere “legates” of the patriarch, which leads, in fact, to a local papacy.

If we confuse the ontological *equality of honour* of each church (not just the autocephalous ones) in the person of its bishop with *autocephaly*, we deny something that is an integral part of canonical tradition, that is the precise organization binding the churches together. This includes senior and junior, younger and elder churches, archbishops and bishops; in a word a *hierarchy* and not a democratic “equality”. The catholicity and the *πλήρωμα*, however, are not in the slightest violated in each local church, whatever its position in this hierarchy. It was the history and tradition of the Church which created and safeguarded the existence of the *hierarchy of honour*, and its denial in the name of an inadequately understood “equality of honour” is an artificial replacement of genuine catholicity with “democratic equality”. Papacy begins once this primacy of honour enters the ontological nature of the Church, and *one* church, *one* bishop become the *source* of all the other churches’ being within the true Church. The Orthodox Church, which firmly denies this Roman

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1. PANTELEIMON RODOPOULOS, now Metropolitan of Tyana, ‘*Η ιεραρχική ἀργα-  
ρωσις τῆς Ἐκκλησίας κατὰ τὸ περὶ Ἐκκλησίας Σύνταγμα τῆς Β’ ἐν Βατικανῷ Συνόδου*,  
p. 60; cf. Y. CONGAR, ‘De la communion des Eglises à une ecclésiologie de l’Eglise  
universelle,’ in Y. CONGAR and B. D. DUPUY, *L’épiscopat et l’Eglise universelle*, 1962  
pp. 227-60, and in the same volume, B. BAZATOLE, ‘L’évêque et la vie chrétienne au  
sein de l’Eglise locale,’ (pp. 329-360). K. RAHNER ‘Peaceful reflections on the pa-  
rochial principle,’ in *Theological Investigations* II, 1963, 283-318.

Catholic view of ecclesiology, has always recognized the first bishop in each region (archbishop, metropolitan or patriarch) as it also recognizes the first bishop in the Universal Church, who has been, since the Schism, the Bishop of Constantinople.<sup>1</sup>

Every attempt, therefore, to deny the prerogatives of the Oecumenical throne leads directly to estrangement from the true tradition of the Church, and can be explained only as a deliberate attempt to change or violate this tradition.

It is equally inaccurate to speak about an "Eastern Papacy", as such language attempts to identify the prerogatives of Constantinople with the view which Rome holds of its own authority.

The Oecumenical Patriarch does not suppose that his privileges are of divine origin. He has no claim whatsoever to be a "bishop of the whole world". He does not claim doctrinal infallibility, nor a direct, absolute jurisdiction over the faithful. He is not above Oecumenical Councils, nor above all ecclesiastical judgement. He has no secular power, nor an absolute sovereign status. He is in a position of first bishop, and his jurisdiction deriving from this is defined and indicated by the holy canons and by history.

History bears witness that the life of the Oecumenical throne is closely interwoven with the life and history of the genuine Orthodox Christianity of the Oecumenical Councils and of the continual struggles to preserve the faith and safeguard the canonical order. It can be said that in the history of the Oecumenical Patriarchate the whole history of the Orthodox Church is achieved and enshrined.

History tells us that "the Church of the Apostle Andrew was originally humble and small in numbers, but was exalted to become an oecumenical see and centre. The entire Orthodox Church looks towards it as a divinely established centre in which all the Orthodox churches in every place and land are held together and contained. They act independently in arranging ecclesiastical affairs canonically and form a unique and indivisible body united in this centre, which undertakes to show concern and care for the other sister churches whenever extraordinary circumstances obstruct their ecclesiastical life. Generally it is through communion and contact with this centre that the local Orthodox churches are linked somehow to the body of the one, holy,

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1. A. SCHMEMMANN, 'Περὶ Νεοπαπισμοῦ,' in *Ὁρθοδοξία* 1954, 69-74.



Catholic and Apostolic Orthodox Church, which has as head none other than the founder and perfecter of the faith, Jesus Christ." <sup>1</sup>

As an oecumenical see and Panorthodox centre, the Oecumenical Patriarchate has acted as a centre of intercession to God for the preservation of the faith and of the canonical and ecclesiastical institution, "for the stability of the holy churches of God, and the union of all;" an intercession which includes no desire for power. <sup>2</sup>

The Oecumenical throne does not look upon its prerogatives as a way of satisfying ambitions or of imposing absolute rule in the Church, to the detriment of the other Orthodox churches. It sees them simply as a call to humble service in a spirit of love, peace and mutual respect for the concerns, the glory and greatness of the Eastern Orthodox Church: "But I am among you as a servant." <sup>3</sup>

This is the voice of the canons and of history, and to this voice and consciousness no one can add anything; from it, nothing can be removed. It is this voice that this book will above all try and communicate. I am aware, perhaps more than anyone else, of its omissions and weaknesses. "It is hard to tolerate," Galen writes, "a man who although not entirely wrong is woefully ignorant, makes bad judgements and writes things down carelessly." <sup>4</sup> Nevertheless I have not hesitated to publish it, because I believe it is necessary, and because, although it has been said that for men the best way not to fall into error is to do nothing, would not this itself be my greatest error?

This book is offered as a small token of deep gratitude, respect and reverence towards the Oecumenical Patriarchate. I am indebted to the Patriarchal Institute for Patristic Studies in Thessaloniki for their undertaking to publish the book, and I should like to express my thanks to them. In particular I wish to thank those members of the staff of the Institute who prepared the manuscript for printing, and above all Dr. Evangelos Chrysos, who supervised the publication.

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1. From a patriarchal encyclical issued for the Sunday of Orthodoxy in 1950; v. *Ὁρθοδοξία*, February 1950, 39-41.

2. LEV GILLET, "Ἡ ἐνεστώσα πνευματικὴ σημάσια τοῦ Οἰκουμενικοῦ Πατριαρχείου," in *Ὁρθοδοξία* 1954, 417.

3. *Luke* XXII, 27.

4. GENNADIUS, Metropolitan of Heliopolis and Thira, *Φωτίειος Βιβλιοθήκη* vol. I, p. 16.

## Chapter One

### ECCLESIOLOGICAL PREMISES

#### *The Earliest Communities.*

There is no clear indication in the New Testament of how the Christian community was internally organized. On the other hand, the organization was substantially in existence long before the emergence of the New Testament texts, and exerted a considerable influence upon them. All systems of ecclesiastical administration depend accordingly on some interpretation of the biblical data, or rather on the ecclesiological understanding demanded by that interpretation.

"Everything is to be done properly and in good order,"<sup>1</sup> St. Paul writes to the Corinthians. Yet what criterion are we to use to determine this *order* he prescribes? St. Paul sees this as supplied by the very nature of each local community, within which the Holy Ghost bears witness to the will of God.<sup>2</sup> The community obeying the "Law of the Spirit"<sup>3</sup> is the Body, which, "bonded and knit together by every constituent joint, grows through the due activity of each part and builds itself up in love."<sup>4</sup> Wherever the Apostles preached the Gospel, they would appoint *elders* for the faithful, who became an essential element in Church order. There was, therefore, a diversity of spiritual gifts, yet unquestionable unity under the one and the same Lord, and under the one and the same Holy Ghost:

Now there are varieties of gifts, but the same Spirit. There are varieties of service, but the same Lord. And there are varieties of work, yet it is the same God who is all of them in all men.<sup>5</sup>

Given that the Christian assembly over which the elders were

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1. *I Cor.* XIV, 40.

2. Cf. K. MUHLEN, *L'Esprit dans L'Eglise*, Paris (Edit. du Cerf) 1969, I, 201, 226 f.

3. *Rom.* VIII, 2.

4. *Ephes.* IV, 16. cf. *I Cor.* XII, 1-13.

5. *Acts.* XIV, 23.

6. *I Cor.* XII, 4-6.

called to preside was essentially of a sacramental character, it follows that the faithful who formed it, in that they had received baptism, formed the *Body of Christ, the House of God, a holy people, a royal priesthood*. The centre of their common life was to be found in their assembly: "Where two or three are gathered together in My name, I am there in the midst of them."<sup>1</sup> Within this assembly, the Christians together formed the *same community* as the assembly in the upper room at which Christ Himself presided. The *προεστώς* (*president*) of the Christian community is accordingly to be seen as the image of Christ Himself.

This argument from within, being liturgically and ecclesiologically necessary, was unequivocally accepted by the entire Church right from subapostolic times, and is now called "monarchical episcopal authority." This consists of a single *προεστώς* in each community, surrounded by elders as the Apostolic body surrounded Christ.<sup>2</sup> The uniform adoption of this monarchical episcopal authority by Christians, evident from the end of the first century, can only be interpreted in the light of this ecclesiological and liturgical necessity.<sup>3</sup>

It is essential to see the Eucharist as a revelation of the Church in both its *ideal* and its *historical* unity, and the bishop above all as the leader and head of the Eucharistic assembly which temporally and spatially unites the Church of God. Only thus shall we recognize the most profound ecclesiological content in both Eucharist and bishop.<sup>4</sup>

1. Matt. XVIII, 20.

2. Cf. St. Ignatius of Antioch.

3. J. MEYENDORFF, *Orthodoxie et Catholicité* pp. 21-23 and Y. DE MONTCHEUIL, *Aspects de l'Eglise*, 4me leçon, 'La vie intérieure de l'Eglise,' Paris (Edit. du Cerf) 1957, pp. 45-54. Konidares does not accept a triple organization; that is charismatic, presbyterian-episcopal and monarchical. In Ignatius, the bishop is not a monarch, but the first and indispensable leader of the local church, its visible head, but his indispensable council is the *presbyterium*. To express this unity of bishop and presbyterium, St. Ignatius uses the most forceful conjunction in the Greek language: *ἅμα*. What the West expresses by the word *presbyteri* or even *episcopi*, St. Ignatius refers to periphrastically but explicitly. Thus the theory of there being a monarchical episcopate in Ignatius is erroneous, because it forces the texts (G. KONIDARES, 'Η φερομένη διαφορά μορφῶν τοῦ ἐκκλησιαστικοῦ πολιτεύματος ἐν τῷ ἀρχικῷ χριστιανισμῷ (34-156 μ.Χ.), offprint taken from the acts of the Academy of Athens, 1957, p. 41-42.

4. H. DE LUBAC uses the expression *the heart of the Church* to describe this. He sees the Eucharist as the central reality of ecclesiology, from which the idea of the Church as an institution both divine and human derives, as well as the concept of the priesthood as a liturgical reality. He writes: "L'Eglise fait l'Eucharistie. C'est à cette fin principalement que fut institué son sacerdoce; *Faites ceci en mémoire de*

The recognition of unity in Eucharist and bishop emerges of itself at the start of any historical research into the unity and structure of the Church as a whole. Nevertheless it demands that we examine certain ecclesiological premisses, and we shall now analyse these in turn in general terms.<sup>1</sup>

*The Eucharist and the Church of God.*

The ecclesiology of early Christianity was not merely theoretical; it was practical and vital. For this reason, neither a definition nor a theoretical description of the Church would correspond with the Biblical evidence. Most of the eighty or so passages in the New Testament where the term ἐκκλησία appears convey the idea of the ἐκκλησία as *an assembly in a particular place*. These passages can be classified as follows:

a) Those referring to the ἐκκλησία (in the singular) of a particular city.<sup>2</sup>

b) Those mentioning the ἐκκλησίαι (plural) of an area larger than a city, or without any territorial delimitation.<sup>3</sup>

c) Those using ἐκκλησία or ἐκκλησία Θεοῦ without territorial delimitation.<sup>4</sup>

d) Those using the expression ἡ κατ' οἶκον ἐκκλησία.<sup>5</sup>

Of these, only those in group (c) can be applied to the Church in an abstract or theoretical sense. For the most part, however, this is merely a first impression, because passages such as *I Cor.* XV, 9, *Gal.* I, 13, and *Philipp.* III, 6, where Paul says that he persecuted the ἐκκλησία τοῦ Θεοῦ, refer specifically to the Church of Jerusalem, where there was a "severe persecution", and "Saul was ravaging the Church". Conse-

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moi . . ." (*Luke* XXII, 19, *I Cor.* XI, 25). For extensive patristic references and bibliography see H. DE LUBAC, *Méditation sur l'Eglise*, Paris (Aubier) 1968, p. 102 f.

1. I adopt here in their entirety the views of I. ZEZIOULAS, as expressed in his outstanding treatise *Ἡ ἐνότης τῆς Ἐκκλησίας ἐν τῇ Εὐχαριστίᾳ καὶ τῇ Ἐπισκόπῳ κατὰ τοὺς πρώτους αἰῶνας*, Athens 1965.

2. *Rom.* XVI, 1, *I Cor.* I, 2, *II Cor.* I, 1, *Colossians* IV, 16, *I Thess.* I, 1, *Acts* VIII, 1 and XI, 22.

3. *Gal.* I, 2 and 22, *I Thess.* II, 14, *II Cor.* VIII, 1, *I Cor.* XVI, 19, *Acts* XV, 41 and XVI, 5, *Rom.* XVI, 16, *I Cor.* XI, 16 and XIV. 33-34.

4. *Matt.* XVI, 18 and XVIII, 17. *Acts* V, 41, VIII, 3, IX, 31, XII, 1, XII, 5, XI, 26, XIV, 23, XIV, 27, XV, 3, XV, 4, XV, 22, XVIII, 22, II, 17, XX, 28. *I Cor.* VI, 4, X, 32, XI, 18, XI, 22 etc.

5. *Rom.* XVI, 5. *I Cor.* XVI, 19, *Col.* IV, 15, *Philem.* 2.

quently, in these early texts the word *ἐκκλησία* is mainly used to describe the Church as a specific entity in a particular place.

What, however, is of particular importance is that it is not merely any assembly, but the worshipping assembly, and to be more precise the *Eucharistic assembly*, which is entitled *ἐκκλησία*.<sup>1</sup> This can be demonstrated by examining what information can be derived from the earliest sources, the Pauline Epistles.

These Epistles, addressed to Christians of different areas, presuppose by the term *ἐκκλησία* a particular setting in which the contents would be made known to the audience; this would appear to be the Eucharistic assembly. When, for example, Paul writes *τῇ ἐκκλησίᾳ τοῦ Θεοῦ τῇ οὐσίᾳ ἐν Κορίνθῳ*,<sup>2</sup> this *ἐκκλησία* is primarily the particular worshipping assembly of the Corinthians which finds its culmination in the Eucharist. It is curious that in all instances where the Apostle refers to the *ἐκκλησία* of a particular town, he uses the term in the singular, whereas in those cases where he speaks of geographical areas larger than cities, he uses the plural *ἐκκλησίαι*. The only possible explanation for this is that for St. Paul *ἐκκλησία* did not simply mean Christians in a general, theoretical sense, independent of their Eucharistic meeting which was when the Epistle was read. Hence Corinth, where the Epistle was read at its Eucharistic assembly, is called by the Apostle *ἐκκλησία*. On the other hand Achaia, which did not receive the Epistle in a Eucharistic or even simply in a specifically worshipping assembly, is not given the title; this was the case in all areas larger than cities. There is accordingly a reason why Paul exclusively uses the plural *ἐκκλησίαι* and not the singular for such areas.<sup>3</sup>

This identification of the *ἐκκλησία* with the Eucharistic assembly is clearer in the First Epistle to the Corinthians, and in particular in chapter eleven, where St. Paul gives the Corinthians practical directions for worship. Although, as is clear from the entire content of this chapter, Paul is speaking of the assembly in Corinth the culminating purpose of which was the Holy Eucharist, he describes this assembly as *ἐκκλησία: συνε-*

1. This is brought out by the orthodox theologian George Florovsky in all his ecclesiological writings. Cf. FLOROVSKY, *Le corps du Christ vivant. Une interprétation orthodoxe de l'Eglise et la sainte Eglise universelle*, edited DEL. and NESTLE, 1948, pp. 9-57, and 'Worship and Every-day Life,' in *Studia Liturgica* IV, 1963, 266-272. Cf. Y. LELOUVIER, *Perspectives russes sur L'Eglise*, Paris (Centurion), 1968, pp. 98-103.

2. *II Cor.* I, 1.

3. I. ZEZIOULAS, *op. cit.*, p. 32.

χομένων ὑμῶν ἐν ἐκκλησίᾳ, ἀκούω σχίσματα ἐν ὑμῖν ὑπάρχειν.<sup>1</sup> From this passage it naturally follows that *ἐκκλησία* is not used theoretically, but rather to describe a particular meeting; that meeting which Paul had in mind when writing the words quoted above, and which culminated in the Eucharist itself.

Paul has no hesitation in calling this assembly *ἐκκλησία τοῦ Θεοῦ*. To be contemptuous of the Eucharistic assembly is to be contemptuous of the *ἐκκλησία τοῦ Θεοῦ* itself.<sup>2</sup>

This identification of the Eucharistic assembly with the *ἐκκλησία* allows Paul to use the expression *συνέρχεσθαι ἐπὶ τὸ αὐτό* as a term with both ecclesiological and Eucharistic content. "When, therefore, you come together in the same place, it is not possible to eat the Lord's Supper,"<sup>3</sup> because by the way in which you behave "you are contemptuous of the *ἐκκλησία τοῦ Θεοῦ*."<sup>4</sup> "So my brothers, when you come together to eat, wait for each other . . . so that you do not meet together to be judged . . ."<sup>5</sup> Accordingly, in St. Paul's understanding, and in that of the churches which read his Epistles, the terms *συνέρχεσθαι*, or *συνέρχεσθαι ἐπὶ τὸ αὐτό* or *κυριακὸν δεῖπνον* (*Lord's Supper*, that is the Eucharist) are identified with *ἐκκλησία* or *ἐκκλησία τοῦ Θεοῦ*.

Nevertheless, the identification of the Eucharistic assembly with the *ἐκκλησία τοῦ Θεοῦ* in the use of the term *ἐκκλησία* would not be intelligible were there not parallel with this a strong link between the Holy Eucharist and the early Church's consciousness of *unity*.<sup>6</sup> This connection, which is extended beyond terminology dealing with the Church to include the earliest theology of the Church, is well expressed by St. Paul. He writes as follows:

You judge what I say. The cup of blessing which we bless, is it not a communion of the blood of Christ? The bread which we break, is it not a communion of the body of Christ? For we who are many are one bread, one body, because we all share in the one bread.<sup>7</sup>

In this passage there is paramount the idea that the "many" form "one body", identified with the Eucharistic bread.

1. *I Cor.* XI, 18.

2. *Ibid.* XI, 22.

3. *Ibid.* XI, 20.

4. *Ibid.* XI, 22.

5. *Ibid.* XI, 33-34.

6. v. Y. CONGAR, *Esquisses du Mystère de l'Eglise*, Paris (Edit. du Cerf) 1953, 10 ff. and especially 23 ff.

7. *I Cor.* X, 15-17.

Deeply entrenched in the historical beginnings of both the Eucharist and the Church, there is to be found the connection between the Eucharist and the idea that the "many" are united through it and in it in one body — not in any unspecified body, but in the "Body of Christ,"<sup>1</sup> and that they thus become not a mere numerical singular, but a personal "one", the "one Lord" Himself (*εἷς*<sup>2</sup> rather than *ἓν*<sup>3</sup> in Greek). As I. Zezioulas observes, the Eucharist is so closely connected with the unity of the Church as to be almost identical with it, and it was not long in becoming the foundation on which the Catholic Church of the first three centuries was built and formed. On the full identification of the Eucharistic assembly with the *ἐκκλησία τοῦ Θεοῦ* "which is in" or "inhabits" a particular place, rests the basic principle behind the early understanding of the catholicity of the Church. The Eucharistic assembly embodies and reveals in history not a part of the One Christ, but the One Lord Himself in His entirety who takes upon Himself in perpetuity to establish the *many* as *one*, and to bring them back through His sacrifice before the throne of the Father. As a result, we do not have in the Eucharist merely a share of the Church, but rather this *entire* Church itself, the complete Body of Christ.<sup>4</sup>

Without reference to the Eucharist, the entire ecclesiology of primitive Christianity becomes meaningless, particularly when it is related to the idea of the unity of the Church. The principal images used to represent and describe the Church in the New Testament are based on the relation of the *many* and the *one*, in particular as it was inspired by the Eucharistic practice of the Church. This is particularly true of the description of the Church as the *Body of Christ*, as a *house* or *building*, and as the *Bride of Christ*.

The designation of the Church as the Body of Christ, which has provoked much discussion amongst modern scholars, cannot be considered apart from the Eucharistic practice of the Church, which was most likely also the origin of the use of this expression.<sup>5</sup>

Within this concept, the other ecclesiological images also take on their full significance. Thus the designation of the Church as a house or a building

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1. Ibid. X, 16, in conjunction with XII, 27, *Ephes.* I, 23, IV 12-16, V, 30, and *Col.* 1, 18-24.

2. *Gal.* III, 28. cf. *II Cor.* XI, 2.

3. *Ephes.* IV, 5.

4. I. ZEZIOULAS, op. cit., p. 189.

5. A. RAWLINSON, 'Corpus Christi' in *Mysterium Christi* 1930, p. 225 f.

does not suggest something that is lifeless, but rather a living organism that is growing to the "mature manhood, to the measure of the stature of the fulness of Christ." This is not unrelated to the Eucharist. By the spirit unifying the *many* with the *One* there should also be understood the description of the Church as *Bride of Christ*, by which the faithful are seen as members of Christ, which is analogous with the unity "in one flesh" of husband and wife.<sup>1</sup>

*The Place of the Bishop within the Eucharist.*

It naturally followed from the identification of the Eucharistic assembly with the *ἐκκλησία τοῦ Θεοῦ* that the organization of the Church was identical with the organization of the Eucharist. The Church was differentiated from the world in which it lived by its being a unity of a particular kind, above all by its being a Eucharistic unity. For this reason its organization was not borrowed or copied from the contemporary world, but was naturally born out of the Eucharistic assembly, where canonical unity was connected to the very essence of the Church.

In its worship, and particularly in the Eucharist, the life of the primitive Church is controlled by an absolute theocracy. All its worship is conducted on earth, but is in fact modelled on the heavenly worship that is directed towards the sovereign throne of God. As a result, all authority in the Church is concentrated in the person of Jesus Christ. He is the only Lord, the only one with authority over all, as He is elevated at the right hand of God. The unity, therefore, in one Lord<sup>2</sup> is manifest especially in worship, above all in the Eucharist. As sole Lord, Christ is also the sole ruler — again being recognized as such chiefly in the Eucharist.<sup>3</sup> Precisely because of the position He holds in the Eucharistic worship, Christ concentrates in Himself all the ministries that exist in the Church. He is the principal *λειτουργός*,<sup>4</sup> *ιερεὺς*,<sup>5</sup> *ἀπόστολος*,<sup>6</sup> *διάκονος*,<sup>7</sup> *ἐπίσκοπος*,<sup>8</sup> *διδάσκαλος*,<sup>9</sup> *ἐν πᾶσιν αὐτὸς πρωτεύων*.<sup>10</sup>

While, however, He is worshipped in Heaven, He is at the same time

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1. I. ZEZIOULAS, op. cit., pp. 45-46.

2. *Ephes.* IV, 5.

3. *Rev.* I, 5.

4. *Heb.* VIII, 2.

5. *Ibid.* V, 6, VIII, 4, X, 21, II, 17.

6. *Ibid.* III, 1.

7. *Rom.* XV, 8, *Luke* XXII, 2 etc.

8. *I Peter* II, 25.

9. *Matt.* XXIII, *Jo* XIII, 13.

10. *Col.* I, 18.



present on earth and in the Eucharist, thus converting the heavenly state into an earthly historical reality. Consequently the Eucharistic worship on earth does not exist parallel with the worship of the heavens, but is itself that heavenly worship extended down to the earth. The Eucharist on earth is really marked with the stamp of the worship of heaven, and Christ's authority is reflected in the ministers of the Church. For this reason the ecclesiastical ministries are not considered to exist parallel with Christ's authority, but rather to derive from that authority. Christ, as sole Lord and master of the Church, does not govern parallel with an earthly ecclesiastical administration, but rather exercises His authority *through that administration and in it*.<sup>1</sup>

Zezioulas writes:

The existing ministries are antitypes and mystical emanations of the very authority of Christ, the only supreme minister. The position of Apostle, for instance, was not considered in the primitive church as an authority existing parallel with the Church of Christ, but as the very authority of Christ. Similarly, the bishop was thought to stand "in the place of God", and to be "Christ's image". Christ thus remained the sole minister, and the only person exercising authority in the Church. Christ's authority, however, was only expressed through the ministers of the Church, where the law originally was not only divine in character, but also human. This became possible chiefly because of the Eucharist, which identified both the heavenly worship with the earthly, and Christ with His Church in a manner that was at once both mystical and pragmatic.

Accordingly, it was above all due to the Eucharist that the various ministries developed in the early Church. These gave rise to the different "orders" in the Church, and its legal system came about as strictly Christocentric. All the functions of Christ were reflected as historical realities in the Church in a manner that created hierarchical order, and thereby "orders". While Christ was identified with the whole Church, which was His Body, and as a result all the members of the Church were "sharers in Christ,"<sup>2</sup> the powers or functions of Christ were not expressed through all these members, but through a certain number of them. Thus Christ is seen as the *ἀπόστολος*, yet this does not mean that in His Body all are Apostles.<sup>3</sup> Christ was the *διδάσκαλος*, but there were not "many teachers" in the Church.<sup>4</sup> This is true for all the functions of Christ which were mystically reflected in the Church.<sup>5</sup>

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1. See. J. DANIELOU, 'Der priesterliche Dienst bei den griechischen Kirchenvätern,' in *Das Apostolische Amt*, ed. CUYOT, Mainz 1961 (Matthias-Grünwald-Verlag) 110-120.

2. *Heb.* III, 14.

3. St. Paul asks, "Are not all apostles?" (*I Cor.* XII, 29).

4. "All shall be taught by God" (*Jo.* VI, 45), yes, "but not all are teachers" (*I Cor.* XII, 29).

5. I. ZEZIOULAS, *op. cit.*, pp. 49-50.

Precisely what "distinctions of order" do we find in the Eucharistic assemblies of Apostolic times? How did these move from the administration of the Eucharist to the permanent administration of the unity of the Church? The information at our disposal is very limited owing to the nature of the sources.

From Paul's description of the Eucharistic assembly at Corinth we learn that the Eucharist involved all the members of the Church, but that their rôle was to *approve* and *confirm* it with the *Amen*. At the Eucharist, there was first the order of those who *offered* or *led*, and then the order of those who *replied* with the *Amen*. This division within the Eucharistic assembly emerged as early as the first century (*I Corinthians* and *I Clement*) as a permanent canonical distinction of the members of the Church into clergy and people.<sup>1</sup>

As far as those conducting the Eucharistic assembly are concerned the Apostolic period is obscure. The presence of the Apostles as it were threw a shadow over the period, which conceals the early Church and the roots of its operations and institutions.<sup>2</sup> As far as can be gathered from the Acts of the Apostles, we have to accept that whenever the Apostles were present at a Eucharistic assembly, it was they who took charge at the Eucharist.<sup>3</sup>

As far as can be ascertained from the *Didache*, the same applied; the travelling "prophets" took charge.<sup>4</sup> Whenever the Apostles were not present, it naturally fell to the permanent officials to take charge at the Eucharist. When the Apostles disappeared from history, in a manner that is very vague in many cases, we find the leadership of the Jerusalem Church in the hands of James, together with the *πρεσβύτεροι*.<sup>5</sup> It is possible that these elders existed in the Jerusalem Church before James assumed the leadership. Alongside them appeared the *διάκονοι*. The institution of this office was connected with the *common tables*, closely associated then with the Eucharist. The government of the Jerusalem Church, therefore, was threefold: James, the *πρεσβύτεροι*, and the *διάκονοι*, a pattern which probably succeeded the *Twelve*, the *πρεσβύτεροι*, and the *διάκονοι*. This also formed the model for the organization of those other churches which received Christianity from the Jerusalem

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1. Ibid. pp. 53-54.

2. G. KONIDARES, op. cit., p. 70.

3. *Acts* XX, 7.

4. *Didache* X, 7.

5. *Acts* XXI, 18.

Church. As Professor Konidares' thorough research has shown,<sup>1</sup> this triad was the first literary form in which the bishop<sup>2</sup> appeared in history as a specific rank, known initially only by the personal name of the man who held the office, and understood within the collective term οἱ πρεσβύτεροι, as long as there was no reason to single him out. Consequently the office of bishop also existed in the Apostolic period, obscured by the presence of the Apostles and associated with the πρεσβύτεροι and διάκονοι, either by the less common scriptural expression ἐπίσκοποι καὶ διάκονοι, or by the more frequent day to day name, οἱ πρεσβύτεροι.<sup>3</sup>

The texts in existence show that from the start the bishop, encompassed by the πρεσβύτεροι and διάκονοι, was in charge of the Eucharist, although there is no clear testimony as to who exactly offered the Eucharist. Careful examination of the sources leads to the conclusion that the Eucharist could be offered firstly either by the Apostles or by other charismatics such as the prophets, and secondly by the bishop surrounded by the πρεσβύτεροι and διάκονοι.<sup>4</sup> Recent research, however, has shown that:

In *Acts XX*, 11 we read that Paul celebrated the Eucharist in Troy, when the youth Eutychus fell from the third floor while the Christians had come together κλάσαι ἄρτον. *I Clement*, on the other hand, speaks of a λειτουργία τῶν ἀποστόλων. What was the nature of this λειτουργία in which the πρεσβύτεροι expelled from Corinth had succeeded the Apostles? Although the term λειτουργοί is used in different ways by Clement,<sup>5</sup> it nevertheless, when used here about the Apostles, has the special meaning of involving the offering of the Eucharistic

1. G. KONIDARES, op. cit., p. 26.

2. In a specialist study of the emergence of the episcopal office in the local churches and of the clergy in general, J. Colson sees a different development in the early Church. He distinguishes two main developments: the Pauline, represented chiefly by Clement of Rome and the Shepherd of Hermas, and the Johannine, represented by Ignatius. He traces these two traditions as they develop to reach ultimately a synthesis in Irenaeus, via the teaching and tradition of Polycarp, who in his Epistle to the Philippians combined the Pauline tradition as found in Philippi with the Johannine tradition as it was lived in Smyrna. v. J. COLSON, *L'évêque dans les communautés primitives. Tradition paulinienne et tradition johannique de l'épiscopat des origines à St. Irénée*. Paris, Edit. du Cerf, 1951.

3. Cf. G. KONIDARES, *Περί τοῦ τοπικοῦ καὶ χρονικοῦ περιορισμοῦ ἐν τῇ χρήσει τοῦ ὄρου 'ἐπίσκοποι καὶ διάκονοι'*, 1960.

4. I. ZEZIOULAS, op. cit., p. 55.

5. Elsewhere he refers to Enoch and Noah as λειτουργήσαντας (IX, 2-4). Yet he speaks of the angels (XXXIV, 5) and Old Testament prophets as λειτουργοὶ τῆς χάριτος τοῦ Θεοῦ, ministers of the grace of God (VIII, 1). Cf. I. ZEZIOULAS, op. cit., p. 56, n. 58.

gifts. The *λειτουργία τῶν ἀποστόλων* which had been given to the expelled *πρεσβύτεροι* was the offering of the Gifts, and it was for this reason that their expulsion was seen as "no small sin."<sup>1</sup> Consequently the Apostles, among others, had the right to offer the Eucharist whenever they found themselves in a church. It is indeed possible that in each church there was a special place at the Eucharistic table which was used by the Apostle whenever he visited, and which afterwards, as soon as the Apostolic generation disappeared, became not simply the specific position of the bishop, but also the most vital symbol of his succession from the Apostles.<sup>2</sup> This would indicate that the Apostolic Succession as a historical fact derived from the Eucharist, where the bishop succeeded the Apostle as the one to perform the offering. This becomes clear from a study of *I Clement*, where the idea of Apostolic Succession is exclusively concerned with the *λειτουργία* of "offering the Gifts". A similar conclusion is to be drawn from examining the *Didache*. Here the Eucharist appears as the *λειτουργία* of the prophets as well,<sup>3</sup> which allows the inference that charismatics in general, whenever they visited a particular local church, were able to offer the Eucharist.<sup>4</sup>

The work of the bishop was initially chiefly liturgical, consisting of the offering of the Eucharist. For this reason it was only the bishop that was ordained, so that he could take charge of the Eucharist and offer it in the name of the "whole Church", as the president of the Eucharistic assembly.<sup>5</sup>

During the first three centuries, when the bases of the idea of the catholicity of the Church were laid, the bishop was above all seen as the *ιερέως*, as the one who celebrated the Eucharist, and as the only person entitled by his ordination to offer the Eucharist in the name of the Church. In administrative matters he was assisted by the "council" of *πρεσβύτεροι*, who received the *χάρισμα* for this from him through ordination.

In charge of the one and only Eucharistic assembly, the bishop offered the Eucharist in its name and sat *εἰς τόπον Θεοῦ*. His throne was the living image on earth of the heavenly throne of God, the *Cathedra Dei* or *Cathedra Christi*, given that the earthly Eucharist was none other than a true antitype of the heavenly worship of God. Through his hands he offered to God the body of the Eucharist in which the Church in that place was united, thus becoming the very Body of Christ. Consequently

1. *I Clem.* XLIV, 4.

2. G. KONIDARES, 'Διαδοχή Ἀποστόλων' in *ΘΗΕ* IV, 1964, 1116.

3. *Didache* X, 7.

4. I. ZEZIOULAS, op. cit., p. 57.

5. M. GY, 'Bemerkungen zu den Bezeichnungen des Priestertums in der christlichen Frühzeit,' in *Das Apostolische Amt*, ed. J. GUYOT, Mainz 1961, 92-109.

through him passed all the members and *τάγματα*, the orders of the Church, in the most important form of their relation with God, the Eucharist.

The identification of the Eucharistic assembly with the very Church of God had the immediate consequence of *one Eucharist's* being held in each Church, led by the one presiding bishop. This first appears clearly in the Epistles of Ignatius, who writes:

Be careful to *observe one Eucharist*, for *one* is the flesh of Our Lord Jesus Christ, and there is *one* cup that is for union in His blood. There is *one* altar, as there is *one bishop*, together with the body of elders and the deacons.<sup>1</sup>

From this passage, it is clear that for St. Ignatius, who closely linked the bishop with the Eucharist and the unity of the Church, the unity in Eucharist and bishop presupposed *one* Eucharistic assembly, *one* altar and *one* bishop in each Church.

St. Ignatius' appeal to the different churches to remain united in *one* sole Eucharist, under *one* bishop, and at *one* altar gives an impression of a corresponding historical reality. Throughout the first three centuries, the principle of the unity of each church in one Eucharistic assembly under one bishop was faithfully preserved in all areas.

It was for this reason that we find around the beginning of the fourth century the principle that there is in each church one single *μονογενὲς Θουσιαστήριον*,<sup>2</sup> while the Council of Nicaea, in spite of the practical difficulties involved, explicitly laid down that there could only be one bishop in each town.<sup>3</sup>

“Ἐνθα μὲν οὖν πάντες, εἴτε ἐν κώμαις, εἴτε ἐν πόλεσιν αὐτοὶ μόνοι εὐρίσκαιντο χειροτονηθέντες (οἱ ἐκ τῶν καθαρῶν ἐπιστρέφοντες εἰς τὴν καθολικὴν ἐκκλησίαν) οἱ εὐρισκόμενοι ἐν τῷ κλήρῳ ἔσονται ἐν τῷ αὐτῷ σχήματι. Εἰ δὲ τοῦ τῆς καθολικῆς ἐκκλησίας ἐπισκόπου ἢ πρεσβυτέρου ὄντος, προσέρχονται τινες, πρόδηλον, ὡς ὁ μὲν ἐπίσκοπος τῆς ἐκκλησίας ἔξει τὸ ἀξίωμα τοῦ ἐπισκόπου· ὁ δὲ ὀνομαζόμενος παρὰ τοῖς λεγομένοις καθαροῖς ἐπίσκοπος, τὴν τοῦ πρεσβυτέρου τιμὴν ἔξει· πλὴν εἰ μὴ ἄρα δοκοῖη τῷ ἐπισκόπῳ, τῆς τιμῆς τοῦ ὀνόματος αὐτοῦ μετέχειν. Εἰ δὲ τοῦτο αὐτῷ μὴ ἀρέσκει, ἐπινοήσῃ τῶπου ἢ χωροεπισκόπου ἢ πρεσβυτέρου, ὑπὲρ τοῦ ἐν τῷ κλήρῳ ὅπως δοκεῖν εἶναι· ἵνα μὴ ἐν τῇ πόλει δύο ἐπίσκοποι ᾖσιν.”

Such a persistent attempt by the first Oecumenical Council to arrange matters in this way, “so that there shall not be two bishops in the (i.e. one) city” must be seen as connected to the principle which appears clearly as early as the time of Ignatius, whereby the unity of each church was expressed essentially through *one* Eucharist and *one* bishop.<sup>4</sup>

1. IGN. *Philad.* IV, 1.

2. v. EUSEBIUS *Ecc. Hist.* 10, IV, 68.

3. 8th canon of Nicaea (G. RHALLS AND M. POTLES, *Σύνταγμα Ἱερῶν Κανόνων*, vol. II, p. 133).

4. I. ZEZIOULAS, *op. cit.*, pp. 84-85.

This principle was not altered by the existence of *κατ' οἶκον* churches, as there was not more than one such church in each town, which was consequently the entire church of that place, according to St. Paul. Nor was the situation changed by the spreading of Christianity to the open country, for to start with, and up until about the middle of the second century, Christians living in the country met in the church of their local town, and later formed special churches under special bishops — chorepiscopi, or country-bishops, who originally were also full bishops.<sup>1</sup>

What the Council of Nicaea laid down in canon eight, "that there shall not be two bishops in the city", was undoubtedly the basis of the principle of geographical limits to individual churches.<sup>2</sup> If without premeditation a church came into being without clearly defined geographical limits, and the name of each bishop had at an earlier stage come to be firmly linked with the name of a particular geographical area, this was not simply a matter of good administration, but rather expressed an ecclesiological principle. Even if there were no ecclesiological content in this measure, it would nevertheless be difficult not to attribute it historically to the inseparable bond joining the Eucharistic assembly of each place and its ruling bishop with the Church of God itself, which is in that place.<sup>3</sup>

It is specifically to these reasons that we must attribute historically the canonical principle of absolute equality in essence of all the bishops who preside over and tend the local churches, as *leitourgoi* and *οἰκονόμοι Θεοῦ*,<sup>4</sup> each as *κεφαλὴ Χριστοῦ πληρώματος*,<sup>5</sup> by divine law holding in their dioceses full ecclesiastical authority which they have received as successors of the Apostles. The bishops, as successors of the immediate heirs of Christ, the Apostles, hold, and exercise by right, by divine law,

1. Ibid. p. 145.

2. G. FLOROVSKY, 'Les Limites de l'Eglise,' in *Messenger de l'Exarchat du Patriarche Russe* 1961, 28-46.

3. I. ZEZIOULAS, op. cit., pp. 191-192. See also Metropolitan PANTELEIMON RODOPoulos, op. cit., p. 21: "Bishops are not consecrated absolutely; in other words a bishop is not consecrated bishop without a bishopric. A bishop is elected and consecrated to a particular bishopric, and is called to shepherd and sanctify the faithful of his bishopric and to impart divine grace, truth and life to them. This emerges clearly from the prayers for the consecration of a bishop, where we read: 'The divine grace, which always heals whatever is diseased and provides whatever is lacking, appoints the presbyter N., beloved of God, bishop of the God-protected city of M. Let us pray therefore . . .' It could be said that this is used even for titular bishops, but it is not the case with assistant bishops, who from a strictly canonical point of view must be seen to comprise an uncanonical institution."

4. *Tit.* I, 7.

5. GREGORY OF NAZIANZUS, PG VI, 35, 501.

the fulness of ecclesiastical authority, celebrating the sacraments, preaching the Divine Word, and tending the flock that has been entrusted to them.<sup>1</sup>

*The Eucharist, the Bishop, and the Catholicity of the Local Church.*

The fact that each church was united in one Eucharist taking place under one bishop exercised a decisive influence on the development of the Catholic Church during the first three centuries. From its earliest appearance in the sources, the term *καθολικὴ Ἐκκλησία* was firmly linked with the Eucharist and the bishop taking charge of it, as is made clear by the famous passage in Ignatius' Epistle to the Smyrnaeans:

Ἰάντες τῷ ἐπισκόπῳ ἀκολουθεῖτε, ὡς Ἰησοῦς Χριστὸς τῷ Πατρὶ, καὶ τῷ πρεσβυτερίῳ ὡς τοῖς ἀποστόλοις· τοὺς δὲ διακόνους ἐντρέπεσθε, ὡς Θεοῦ ἐντολὴν. Μηδεὶς χωρὶς τοῦ ἐπισκόπου τι πρᾶσσέτω τῶν ἀνηκόντων εἰς τὴν ἐκκλησίαν. Ἐκείνη βεβαία Εὐχαριστία ἡγεῖσθαι ἢ ὑπὸ τὸν ἐπίσκοπον οὐσα, ἢ ἢ ἂν αὐτὸς ἐπιτρέψῃ. Ὅπου ἂν φανῇ ὁ ἐπίσκοπος ἐκεῖ τὸ πλῆθος ἔστω, ὥσπερ ὅπου ἂν ᾖ ὁ Χριστὸς Ἰησοῦς, ἐκεῖ ἡ καθολικὴ ἐκκλησία. Οὐκ ἔξόν ἐστιν χωρὶς τοῦ ἐπισκόπου, οὔτε βαπτίζειν, οὔτε ἀγάπην ποιεῖν· ἀλλ' ὁ ἂν ἐκείνος δοκιμάσῃ, τοῦτο καὶ τῷ Θεῷ εὐάρεστον, ἵνα ἀσφαλὲς ᾖ καὶ βέβαιον πᾶν ὁ πράσσεται.<sup>2</sup>

From the connection noticeable in this passage between the expressions *καθολικὴ Ἐκκλησία* and the *ὑπὸ τὸν ἐπίσκοπον οὐσα* Eucharist, there arises the question, what relation existed between the unity in Eucharist and bishop, and the *catholicity* of the Church during the first three centuries of its development? To arrive at an answer to this question, the content of the term *καθολικὴ Ἐκκλησία* must first be defined on the basis of the evidence from the first three centuries.<sup>3</sup>

The view has prevailed that the term refers primarily to the Church as it exists throughout the world, and only applies to the local church secondarily. This is natural in the cosmopolitan, modern world and has its roots in the period and theology of St. Augustine, who was the first to see the idea of *being world-wide* as primary in the *catholicity* of the Church.<sup>4</sup> Careful research, however, into the writings of the first three

1. J. KARNIRES, 'Ἐκκλησία,' in *ΘΗΕ* V, 491-494. ROPOPOULOS, op. cit., pp. 47-49, MOURATIDES op. cit., vol. I, p. 131.

2. *Smyrn.* VIII.

3. R. BERAUDY, *La traduction de 'catholicam' dans les symboles de la foi*, and B. D. DUPUY, 'La Catholicité d'hier à aujourd'hui,' in *Vers l'unité chrétienne*, XXIV, 1971, 100-106 and 107-116, where a bibliography will be found.

4. I. ZEZIOULAS, op. cit., p. 88. At the end of the third century, Cyril of Jeru-

centuries shows that the *catholicity* of the Church did not appear as a geographical idea suggesting quantity or extent, and thus cannot be linked in principle with the idea of the Church's being world-wide.

To define the exact content of this term, it is essential to examine its meaning first of all in the ecclesiology of St. Ignatius where the term first appears and where the views of those who went before him on *catholicity* can be found.

In the Epistle to the Smyrnaeans VIII, where the expression *καθολικὴ Ἐκκλησία* first makes its appearance, there is mention of obedience to the bishop just as Christ was shown obedient to the Father, of obedience to the *elders* as if to the Apostles, and to the *deacons* as if "to a commandment of God". Nothing concerning the Church can be done without the bishop. The only valid (*βεβαία*) Eucharist is one performed by the bishop or his representative. Where the bishop appears is also where the local church (*τὸ πλῆθος*) is, in precisely the same way that where Jesus Christ is, there also is the *καθολικὴ Ἐκκλησία*. It is not permissible either to baptize or to hold a love feast without the bishop. Nevertheless whatever the latter approves is also pleasing to God, so that whatever is performed may be "sure and valid". It is clear that the whole text refers to the unity of the local church which is focussed on the bishop. The bishop is occasioned by the entirety of the unity of the local church, and is as well the incarnation of that unity. Everything which happens, and above all those activities which specifically express unity, such as baptism, the love feast and the Eucharist, only acquire ecclesiastical substance, are only valid when carried out through the medium of the bishop. This is summed up by the phrase, *ὅπου ὁ ἐπίσκοπος, ἐκεῖ καὶ τὸ πλῆθος, τὸ πλῆθος* being the local church.

Yet the local church is complete, an integral whole, the entire Church of God, because the whole Christ is to be found within it, making it through the Eucharist a unity, the one Body of Christ. St. Ignatius connects the bishop with Jesus Christ, calling the Lord *bishop*. What-

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salem provides the first synthesis defining the catholicity of the Church in which the idea of *world-wideness* is merely one of the senses of the term *Catholic Church*: "It is called Catholic because it exists throughout the *oecumene*, from one end of the world to the other, and because it teaches universally (*καθολικῶς*) all the dogmas which must come to the knowledge of men, . . . and because it makes every race of men subject to godliness . . . and because it universally (*καθολικῶς*) treats and heals every kind of sin and enshrines in itself every sort of known virtue . . ." This synthesis prevails even in modern Orthodox teaching, at least where systematic theology is concerned (I. ZEZIOULAS, *op. cit.*, p. 89).



ever occurs to the visible bishop of the Church is transferred to the invisible bishop, Jesus Christ. The bishop is a *type* and image of Christ, or of His Father, not in a symbolic, but in a very real sense:

Πρέπον ἐστὶν ὑπακούειν κατὰ μηδεμίαν ὑπόκρισιν· ἐπεὶ οὐχ ὅτι τὸν ἐπίσκοπον τοῦτον τὸν βλέπομενον πλανᾷ τις, ἀλλὰ τὸν ἀόρατον παραλογίζεται. <sup>1</sup>

This relation between the bishop and Christ allowed Ignatius to speak easily of these two persons interchangeably. <sup>2</sup> When he was taken to martyrdom and was away from Antioch, the Lord was the bishop of that local church. <sup>3</sup> Two different worlds are thus created: God with the bishop, and those apart from the bishop, who are with the devil. <sup>4</sup> The unity centred on the bishop is unity centred on God and in God. <sup>5</sup> "Οσοι γὰρ Θεοῦ εἰσιν καὶ Ἰησοῦ Χριστοῦ, οὗτοι μετὰ τοῦ ἐπισκόπου εἰσὶ. <sup>6</sup> In this way the union with the bishop forms a union with Christ, and vice-versa.

The unity of the Church is not merely Eucharistic, but because of the relation of the bishop to the Eucharist it also became hierarchical. The Church of the Philadelphians realizes its oneness when it is *σὺν τῷ ἐπισκόπῳ καὶ τοῖς σὺν αὐτῷ πρεσβυτέροις καὶ διακόνοις*. <sup>7</sup> Further, *the name of church or community could not be used without the priesthood*, which is the bishop, elders and deacons. *Χωρὶς τούτων Ἐκκλησία οὐ καλεῖται*. <sup>8</sup>

What is performed in the Church is only valid when approved by the bishop. The bishop does not derive from men, or through men, but from Christ, and the unity centred on the bishop is not human will, but *φωνὴ Θεοῦ*. <sup>9</sup>

The Catholic Church is the entire Church because it possesses the entire Christ. Yet the local church is just as catholic, because it too possesses the entire Christ through the Eucharist. The bishop, as directly connected with the Eucharist, represents the local church as Christ represents the entire or Catholic Church. Given that the entire Christ

1. *Magn.* III, 2.

2. *Epistle of Ignatius to Polycarp*, the heading.

3. *Rom.* IX, 1.

4. *Smyrn.* IX, 1.

5. *To Polycarp* VI, 1.

6. *Philad.* III, 2.

7. *Philad.*, heading.

8. *Tral.* III, 1.

9. *Magn.* IV, 1.

is linked with the Church in the Eucharist to the extent that the bishop is, the entire or Catholic Church is to be found where both the Eucharist and the bishop are present. Thus the bishop becomes *κέντρον τῆς ὁρατῆς ἀλλὰ καὶ ἀληθοῦς Ἐκκλησίας*,<sup>1</sup> and the local church itself becomes the *καθολικὴ Ἐκκλησία*.

St. Ignatius identifies the *καθολικὴ Ἐκκλησία* with the whole Christ, and the whole Christ is to be found and is revealed most perceptibly in the Eucharistic assembly and in communion with all the members of each church under the leadership of the bishop. Consequently the local church is not catholic as a result of its relations with the Church throughout the world, but because of the presence within it of the whole Christ in the one Eucharist under the bishop. In this way each local church with its own bishop is of itself catholic, that is to say it is the crystallization at a point in time and space of the whole Body of Christ, the entire Church.<sup>2</sup>

The historical circumstances, however, of the generations after Ignatius obliged the Church to connect its catholicity with the question of correct faith. The threat posed by heresies, and in particular by the Gnostic heresies, forced the Church to lay great emphasis on the question of orthodoxy, so as to distinguish the *καθολικὴ Ἐκκλησία* from the heresies that were growing up in groups outside the Church (*ἐκτὸς τῆς Ἐκκλησίας*), but were nevertheless starting to adopt the external signs of the true Church. The bishop, consequently, came to be seen as the successor of the Apostles not so much by taking charge at the Eucharist, as had been the case earlier, as *by standing within the Apostolic teaching*.

In spite of the emergence of the element of orthodoxy, the Eucharist continued in this period to be firmly linked with the catholicity of the Church in two ways. To start with, orthodoxy without the Eucharist was inconceivable, a view emphatically expressed by St. Irenaeus, who stressed more than any other writer of the time the question of *right faith*. Connecting orthodoxy with the Eucharist he writes:

Ἡμῶν σύμφωνος ἡ γνώμη (i.e. the orthodox faith) τῇ εὐχαριστίᾳ καὶ ἡ εὐχαριστία βεβαίῳ τῇ γνώμῃ. . . Προσφέρομεν γὰρ αὐτῷ (τῷ Θεῷ) τὰ ἴδια ἐμμελῶς κοινωνίαν καὶ ἔννοιαν ἀπαγγέλλοντες καὶ ὁμολογοῦντες σαρκὸς καὶ πνεύματος ἔγερσιν.<sup>3</sup>

The second way in which the true faith appears connected with the

1. K. BONES, 'Ο ἅγιος Ἰγνάτιος ὁ Θεοφόρος καὶ αἱ περὶ Ἐκκλησίας ἀντιλήψεις αὐτοῦ, p. 21.

2. I. ZEZIOULAS, op. cit., p. 99.

3. *Contra Haereses* IX, 18, 15. PG VII, 1025.

Eucharist is expressed by the principle that the Eucharist is inconceivable without Orthodoxy.<sup>1</sup> Thus the Eucharist came to be identified with the true faith, and the true faith came to be identified with the Eucharist (Irenaeus), while the bishop is shown as the successor of the Apostles as much in the Eucharist as in correct teaching and faith (Hippolytus) preserving through the *χάρισμα τῆς ἀληθείας* (Irenaeus) what he exclusively received during his ordination, which was performed during the Eucharist (Hippolytus); identity of faith, but also the fulness of the Church (Cyprian).

Consequently, each church, united in the bishop who was so appointed, was the full Church, identified with *the whole Body of Christ*. The term *καθολικὴ Ἐκκλησία* was above all used during the first three centuries for each such church, so as to declare that *ἓνα ἐπίσκοπον δεῖν εἶναι ἐν καθολικῇ Ἐκκλησίᾳ*.<sup>2</sup>

The catholicity of each episcopal church was not established in history and ecclesiology independently of the other churches throughout the world. The consciousness that appeared early of the *κατὰ τὴν οἰκουμένην καθολικὴ Ἐκκλησία* (*Martyrdom of Polycarp* XIX) meant that

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1. I. ZEZIOULAS points out that both the ecclesiological character of the Eucharist and the eucharistic character of the Church are undoubtedly an important element and are already recognized as such among Orthodox theologians, inspiring extensive theological interest. Yet while this positive element should be recognized, it is equally important to avoid an unbalanced viewpoint. N. Afanassieff and A. Schmemmann, who may be regarded as the two principal Orthodox exponents of Eucharistic ecclesiology, develop it to extreme conclusions which can lead to dangerous and unacceptable tenets. Thus while it is correct to regard the Eucharist as preeminently the incarnation and expression of the Church, it cannot be accepted with the same lack of reservation as the unique, indispensable element constituting the Church and its unity. Eucharistic unity is but a part of the wider unity of the Church, to express which, as well as the Eucharist and other vital elements, true faith is required, and without this even the Eucharist is powerless. I. ZEZIOULAS correctly describes the extreme tenets of Eucharistic ecclesiology as a negative element, because they tend to undermine the significance of doctrinal differences in the Church by relying on the theory that every church which celebrates the Eucharist "does not cease to be in itself *Church of God*, even if it is isolated and cut off from the others" (AFANASSIEFF, 'Una sancta', in *Irenikon* XXXVI, 1963, 549). It was because the Eucharist is not sufficient to define the *Catholic Church*, orthodoxy also being required, that the consciousness of the Church of the first three centuries as expressed by St. Cyprian was not able to recognize ecclesiological fulness to any schismatic church, even if it celebrated the Eucharist. It is true that Cyprian's position did not become accepted in the West, where St. Augustine's views on schism came to prevail (I. ZEZIOULAS, op. cit., p. 197).

2. I. KARMIRES, 'Ορθόδοξος Ἐκκλησιολογία,' in *Θεολογία* XLI, 1970, 353 f.

although there were *churches* throughout the world, there was in reality only *one Church*.

This theological and ecclesiological paradox was possible because the view of the Church in the first three centuries was primarily mystical and sacramental. Since the Church was nothing other than Christ Himself, in whom "the many" were united and saved, there could not be more than one single Church in the world having *him as head*. To the extent, however, that the one Christ and His one Body were not abstract conceptions, but a concrete reality manifested in time and space in a mystical fashion, particularly in the mystery of the Eucharist, this Body could only be sought there, where these mystical and sacramental presuppositions were fulfilled. For the early Church this was the one Eucharist in each place, under the one bishop. As a result, because of the mystical and sacramental identity of each of the local churches with one and the same body, the multiplicity of these churches naturally led to the recognition of one, sole Church. Each church did not, therefore, form a different realization of the *κατὰ τὴν οἰκουμένην καθολικὴ Ἐκκλησία*, so that each was considered as a part of the whole, but each was entirely identified with the whole. As the Church throughout the world was "One, Holy, Catholic and Apostolic", so each local church was "One, Holy, Catholic and Apostolic", essentially, and not figuratively. We are not confronted with two kinds of church, the local and the world-wide, but rather with *One Church, One Christ and His One Body*, which is sacramentally fully manifest wherever the faithful are united in the breaking of the one bread under the leadership of their bishop.<sup>1</sup>

This one world-wide Church was manifested in history not as a unity of parts, but as one of *full circles* obliged to be *essentially identified with each other*. This unity was manifested both *in time*, in identity with what the Lord and the Apostles taught (Apostolic Succession of bishops), and *in space*, in identity with what the other churches throughout the world were teaching and the life they were leading (synodical institution). The absence of this identity automatically meant the formation of schism.

It can be argued that in the first three centuries the unity of the local churches in the one "Catholic Church throughout the world" was seen as their identity with the one, whole Christ, and was expressed in history as follows:

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1. G. FLOROVSKY, op. cit., pp. 9-57. P. ΕΥΔΟΚΙΜΟΥ, 'Les principaux courants de l'ecclésiologie orthodoxe au 19me siècle,' in *L'Ecclésiologie au 19me siècle*, Paris Edit du Cerf, 1960, 57-76.

a) as a vertical relation of each church to the one, whole Christ, sacramentally present in the one Eucharist, with which the bishop was connected as visible head, possessing the *χάρισμα τῆς ἀληθείας*,

b) as a historical relation with the earliest period of Christianity, with each local church identified with the primitive Apostolic Church, and

c) as a broadening of each church so as to comprehend and be in communion with the churches in all parts of the world, to the extent that these churches met the conditions of (a) and (b).<sup>1</sup> This three-dimensional identity of the churches with one another and with Christ ultimately and essentially governed the "common union of the churches", through which was preserved the One, Catholic and Apostolic Church.

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1. I. ZEZIOULAS, op. cit., pp. 146-148. For the views of Orthodox theologians on the fulness of each local church, cf. DIONYSIUS, Metropolitan of Servia and Kozani: "Each church, united with its bishop, where the mystery of the Eucharist is celebrated, is itself within the one, Holy, Catholic and Apostolic Church, not simply as part of the whole, but in that it partakes of the whole in the unity of the Holy Ghost, one Holy, Catholic and Apostolic Church, that is the fulness and Body of Christ" (*Οἰκοδομή* 1959, 129). N. Nesiotes writes: "In the Eucharist, a local community does not pray alone, but as part of the Catholic Church throughout the world, as a part which contains the truth in all its fulness through the offering of the one Eucharist" ('Worship, Eucharist, Intercommunion: an Orthodox Reflection,' in *Studia Liturgica* II, 1963, p. 198). Cf. MEYENDORFF, op. cit., pp. 7-20 and P. EVDOKIMOV, *L'Orthodoxie*, p. 130. For the Roman Catholics, although they do not link the local church with the Eucharist, cf. R. BORTE, 'La collégialité dans le Nouveau Testament et chez les Pères apostoliques,' in *Le Concile et les conciles, contribution à l'histoire de la vie conciliaire de l'Eglise*, pp. 14 f.: "L'église locale apparaît hiérarchiquement organisée, avec l'évêque qui est le chef, le *presbyterium* qui l'assiste, et les diacres qui sont ses ministres. Mais elle apparaît aussi comme autonome. Au-dessus de l'évêque il n'y a rien, et il est, humainement parlant, complètement indépendant..." and especially J. Hammer, who on the basis of sources from the early Church writes: "It is not the sum of the local communities which creates the community in its totality; rather each local community, however small it may be, manifests the entire Church" (*L'Eglise est une communion*, p. 38). For all these views, v. I. ZEZIOULAS, op. cit., p. 146, n. 237.

## Chapter Two

### THE ORGANIZATIONAL STRUCTURE OF THE CHURCH

#### *The Growth of New Communities.*

Christianity, originally an urban religion, began spreading out into the country towards the end of the first century, and by the mid-second century there were Christians in the villages surrounding Rome. Politically, these rural Christians were grouped in areas known as *pagi* or *vici* and were distinct from urban areas which were called *civitates*, *urbes* or *oppida*, and which alone enjoyed full self-government. The pagans in these *pagi* and *vici* formed independent religious communities united around the worship of the god, and often had their own *genius pagi*. The rural Christians, on the other hand, appear to have participated at first in the worship performed in the town. The organization of the Church appears originally to have developed independently of the secular divisions of the Roman Empire, and to have been governed rather by the fundamental ecclesiological principles analysed in chapter one. The Church appeared from the start as a Eucharistic assembly under one bishop, and its later organization did not greatly alter this shape, which was closely connected with basic theological presuppositions. Until the mid-second century, for instance, the Christians of the villages formed one Eucharistic unity with the Christians of the nearby town. The Eucharist was held there, with the bishop presiding, and those living in the country would make the journey into town.<sup>1</sup>

As the Christian faith continued to expand, new communities began to be established in the outskirts of large cities and within small towns, particularly in certain parts of the East, such as Asia Minor, where Christianity was well advanced, even in rural areas. The religious life of these areas then had to be put on a regular basis by appointing a clergyman to take charge of them. Many solutions emerged to deal with the problem that arose when the Gospel began to be preached

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1. I. ZEZIOULAS, *op. cit.*, pp. 71-72.

beyond the boundaries which had at first necessarily contained the missionary work.<sup>1</sup>

Presbyters were appointed to answer the religious needs of these new communities. The assemblies, however, at which these presided were originally catechetical rather than liturgical, and consequently even deacons could occasionally take charge. These assemblies met for prayer and instruction, never for the celebration of the Eucharist. Consequently the presbyters' rôle was for the most part distinct from the Eucharist, involving teaching, preparing catechumens, and admonishing the faithful by reading the scriptures and by praying. Non-Eucharistic meetings led by the presbyters are referred to as an "ancient custom" by Socrates in his *Ecclesiastical History*:

(Yet) in Alexandria, on the fourth day of the week, and on what is called the day of preparation (i.e. Wednesday and Friday), scriptures are read and the teachers interpret them. All this happens at an assembly *distinct from the celebration of the mysteries*. And this is an ancient custom in Alexandria.<sup>2</sup>

This first practice was adopted quite naturally in the outskirts of the large cities, where the faithful could travel into the city to the central church there, and the bishop could visit them in person without much difficulty.

The presbyters, appointed to care for the needs of different parts of a bishopric which included groups of Christians beyond the central urban population, could exercise their mission and responsibility in two ways. Presbyters were either *περιοδευταί* or *μόνιμοι*.

#### *Visiting or περιοδευταί Presbyters.*

A letter of St. Phileas, bishop and martyr of Thmuis in Egypt, written around 307,<sup>3</sup> and the fifty-seventh canon of the Council of Laodicaea speak of the existence of *περιοδευταί* presbyters. The letter of St. Phileas suggests that he saw the function of the visiting presbyters as answering the spiritual needs of those Christians living outside the urban centre where the bishop was based, in areas where permanent priests were not considered essential.<sup>4</sup>

1. A. FLICHE AND V. MARTIN, *Histoire de l'Eglise*, vol II, p. 394.

2. SOCRATES, *Eccl. Hist.* XXII, PG LXVII, 636.

3. PG X, 1566.

4. A. FLICHE AND V. MARTIN, *op. cit.*, vol II, p. 395.

*Permanent or μόνιμοι Presbyters, and the Organization of the παροικία or Parish.*

Elsewhere, where communities were created a long way from the episcopal centre without any other bishop's being appointed to take charge of them, as appears to have been usual until the mid-third century in Northern Italy and Gaul, the need to appoint permanent priests would have arisen in any case; hence the *παροικίαι*,<sup>1</sup> the communities of Gaul, about which Eusebius speaks.<sup>2</sup> Yet why did this happen? At the beginning of the third century, the Church experienced one of its longest periods of peace and freedom, thanks to the policy of the Emperors after the death of Septimius Severus in 211, which lasted until the accession of Decius in 249. This peace allowed the Christians to increase significantly in number, not merely in rural areas, but particularly within the large cities, such as Rome. As a result it became difficult to assemble all the members of the local church in one Eucharist.

Then, in the mid-third century, the problem of preserving one Eucharistic assembly for the entire city was made even more difficult and urgent, owing to a change in imperial policy which began under Decius, and was accelerated by Valerian. The policy of toleration towards Christianity adopted by the Syrian Emperors was deemed to imperil the state at a time when its security was seriously threatened, particularly from the East. To confront this new situation, Decius and Valerian gave particular importance to the internal condition of the Empire and attempted to restore the strict discipline which had earlier prevailed.<sup>3</sup>

This led to the legislation of Decius, which required each citizen to confess publicly his devotion to the official state religion, and prescribed harsh penalties for any who refused to conform. This had serious results for Christians. It was characteristic of this period that the bishops in particular endured the consequences of the new legislation, and as a

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1. In the earliest canonical sources, *παροικία* means the ecclesiastical area of a bishop, the area under his episcopal control. Later, when there ceased to be a bishop for each town and its environs, in other words when the bishop ceased to carry out the functions of a modern parish priest, the word *παροικία* came to be given to the areas which are now called parishes (N. MÍLAS, *Τὸ Ἐκκλησιαστικὸν Δίκαιον*, p. 416).

2. "The communities in Gaul of which Irenaeus was bishop," EUSEBIUS, *Ecccl. Hist.* V, XXIII, 3.

3. M. H. BAYNES, 'The Great Persecutions,' in the *Cambridge Ancient History*, XII, pp. 656 f.



result many churches were for a long time deprived of their liturgical leadership, either because of the execution of their bishop, or because of his exile or flight, or even in some cases because of his apostasy. Thus the Church of Carthage did not see its bishop Cyprian for fifteen months. At the same time, the Church of Alexandria was long deprived of the presence of its bishop Dionysius, and Rome was without a bishop for about two years after the martyrdom of Pope Sixtus II. The problem, therefore, of who was to take charge of the Eucharist in the absence of the bishop became acute.

The solution to this problem lay in strengthening the liturgical competence of the presbyters. Thus, when Cyprian was away from his church, he entrusted his functions to the presbyters and deacons. The celebration of the Eucharist was included amongst these functions. Similarly, the presbyters and deacons of Rome appear to concentrate in their hands the entire leadership of the Church of Rome after the death of Fabianus in the year 250, and a letter from Alexandria tells us that the regular Eucharistic assemblies were continued in that city while Dionysius was absent. These examples from Africa, Rome and Alexandria suffice to demonstrate that the functions of the presbyters were extended for practical reasons. This development should be dated around the mid-third century.

Yet the enormous increase at this time of Christians within the cities and probably also in the open country, coupled with the continued absence over long periods of the bishops from these churches, obliged the Church to entrust the leadership of the Eucharist to the presbyters more permanently than had been customary, and to share the one Eucharist under the bishop amongst several assemblies led by presbyters. Thus at this period presbyters first appeared linked permanently on an individual basis with particular communities. This was the original form of the parish.<sup>1</sup>

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1. If the one Eucharist under the bishop constitutes the realization in that place of the entire Body of Christ, how should one interpret the many parish Eucharists under the same bishop? Do they not amount to a multiplicity of churches within the one Church? Not at all, because the parishes which emerged for practical reasons and because they were seen to be necessary were not regarded as independent Eucharistic unities within the bishopric, but rather as organically dependent like branches on the one Eucharist centred on the bishop. For this reason the living presence of the bishop in the Eucharist in the parishes was regarded as a *sine qua non* and was realized by the *Fermentum*, among other things. The *Fermentum* was a piece of the Eucharist celebrated by the bishop which was taken by the acolytes to those who

*The Increase in the Number of Bishops.*

Parallel with the emergence of visiting and permanent presbyters, the number of bishops was increased as a further solution to the problem of safeguarding the spiritual life of those areas outside the great urban centres. While this was common in Italy, it was still more widespread in Africa, where there can be observed, if not from the third, at least from the early fourth century, a quite extraordinary number of episcopal sees. The councils that met at that period to deal with the Donatist Schism show hundreds of bishops in a relatively small area. It is therefore obvious that there were bishops in small towns and even in large villages who as far as their power was concerned were of equal standing to the bishops of the large cities.<sup>1</sup>

The office of bishop began to grow in strength from the second century onwards. This was the period of the first great external and internal crises of the Church. The truth of the Church's faith, together with its enlargement thanks to such secular conditions as the development of urban civilization under Antoninus had two results: firstly it attracted the attention of the Roman state, which because of its syncretistic policy saw the exclusiveness and secrecy of Christianity as hostile. Secondly it brought the Church into contact with the world and its philosophy. The crisis brought about in the Church by the persecutions was a test of the spiritual and moral endurance of its members.

At the same time, the Church also went through an internal crisis as a result of the emergence of Christian Gnosticism and Montanism, and the formation of the Marcionite Church.

It was the struggle of the Church against these internal and external

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could not partake of the episcopal Eucharist and especially to those assemblies where the Eucharist was celebrated by presbyters. Thus the Eucharist centred on the bishop was not essentially divided by the emergence of parishes. What in fact did happen could be described as a local dispersion of the presbyterate which concelebrated with the bishop so as to serve the needs of the Church. Essentially the parish did not bring about a multiplicity of Eucharists, but simply an extension of the one episcopal Eucharist to different places in the bishopric in such a way that the originally single concelebration of bishop and presbyterate was not destroyed or split into a number of independent Eucharistic centres within one and the same Church (I. ZEZIOULAS, *op. cit.*, p. 195, cf. J. A. JUNGEMANN, 'Fermentum', in *Colligere Fragmenta* (Festschrift Alban Dold), pp. 185-190 and C. BOTTE, 'Presbyterium' and 'Ordo episcoporum,' in *Irenikon* 1956, p. 11).

1. A. FLICHE and V. MARTIN, *op. cit.*, vol II, p. 396.

enemies which strengthened the episcopate. Bishops became more numerous, and their importance increased. Christian communities in cities which until then had not had bishops did their best to acquire them, and it was usually the churches which had originally brought Christianity to them which would give them their bishop. The extent of episcopal jurisdiction was similarly increased.<sup>1</sup>

### *Chorepiscopi.*

From the cities, Christianity spread into the country, establishing Christian communities there, the most important of which had special bishops, called *Chorepiscopi*, or *Country-bishops*, that is bishops in the villages and rural areas. These are clearly to be identified with the "bishops of the fields" which Eusebius mentions.<sup>2</sup> When did the office of *Chorepiscopi* enter the Church? Different periods have been suggested. Some consider that the origins of the office should be sought in the first century itself; others believe the earliest possible date is the second half of the second century. In any case, while it can be argued that neither the first century nor the beginning of the second yield any evidence about *chorepiscopi*, right from the mid-second century the office appears clearly and unmistakably in the West. In the second half of the second century there are two clear examples of bishops *pagi* or *vici* in Italy—*chorepiscopi* in fact, although they are not cited under this title; Alexander, bishop of a country area in Tuscia, called *Vicus Baccanensis*, and Triopius, bishop of the *Pagus Appiae*.<sup>3</sup> There is evidence that in Rome, in 249, Novatian was ordained "by bishops of very small towns", that is by *chorepiscopi*.<sup>4</sup> At the same period we are informed of the convocation of a council of seventy one bishops, a number far exceeding the number of towns in the relevant area. There is an earlier instance of a village bishop in the East described by Eusebius in his account of the Montanist heresy: Zoticus, bishop of Comana in Phrygia in the latter half of the second century.<sup>5</sup>

What exactly were *chorepiscopi*?<sup>6</sup> Did they have full episcopal

1. G. KONIDARES, *Γενική Ἑκκλησιαστική Ἱστορία*, p. 146. B. STEPHANIDES, *Ἑκκλησιαστική Ἱστορία*, p. 97.

2. EUSEBIUS, *Eccl. Hist.* VII, 30.

3. I. ZEZIOULAS, *op. cit.*, p. 73.

4. THEODORET OF CYRUS, *Haereticarum Fabularum* III, PG LXXXIII, 408 A.

5. EUSEBIUS, *op. cit.*, V, XVI, 17.

6. For *chorepiscopi*, cf. relevant article by E. KIRSTEN in *Reallexikon für Antike und Christentum*.

jurisdiction, or were they rather presbyters with semi-episcopal jurisdiction? The basic sources are canons of local councils: the thirteenth of Ancyra (314), the fourteenth of Neocaesarea (this council took place some time between 314 and 325), the tenth of Antioch (341), the sixtieth of Sardica (either 343 or 344) and the fifty-seventh of Laodicea (some time between 343 and 385).

From a comparative examination of these canons, it emerges that the rights and importance of the chorepiscopus constantly diminished. The canon of Ancyra envisages the episcopal rights of the chorepiscopus to be confined to his particular area. On the other hand, so as to place the chorepiscopus in closer dependence on the bishop of the city, the Council of Antioch, about a generation later, makes a slight change; two points of significance are to be observed: firstly it is clearly recognized that the chorepiscopus clearly belongs to the rank of bishop (*εἰ καὶ χειροθεσίαν εἶεν ἐπισκόπου εἰληφότες*), and secondly that they were only able to ordain the lower clergy (*καθιστᾶν ἀναγνώστας καὶ ὑποδιακόνους καὶ ἐξορκιστὰς καὶ τῇ τούτων ἀρκεῖσθαι προαγωγῇ*). An attitude towards chorepiscopi was meanwhile spreading, and is expressed by the Council of Sardica: in rural areas a presbyter was sufficient, and where a presbyter was sufficient because of the small population, to appoint a bishop would degrade the episcopal name and authority. The Council of Laodicea in the following generation went as far as making the position completely redundant: "Bishops are not to be appointed in the country." We may accordingly conjecture that the diminution and disappearance of the office of chorepiscopus occurred gradually, the chorepiscopi being originally full bishops, and that this movement to decrease the number of bishops was accelerated in the fourth century and was connected with the increasing liturgical competence of the presbyters.<sup>1</sup>

#### *The Two Principal Types of Ecclesiastical Organization.*

We therefore have two kinds of ecclesiastical organization. Certain areas, such as Africa and the leg of Italy, always had an abundance of bishops, with sees even in the smallest towns, although not in mere villages. Elsewhere, such as Northern Italy, Gaul, Britain, Spain and Illyricum, there were fewer bishoprics under the control of bishops possessing wider local jurisdiction. Parishes, however, were increased, and presbyters were made responsible for them. Again in most areas there arose

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1. I. ZEZIOULAS, *op. cit.*, p. 74-76.

a perceptible need for one bishop to hold office in each town. This is to be observed—not without exceptions—in Gaul at the beginning of the fourth century. This never had absolute effect, yet by the end of the third century there is clear evidence that in Spain one sole bishop governed the faithful of the two churches of Legio and Asturica. The province of Scythia, which contained several cities, only had one bishop for the provincial capital Tomi. <sup>1</sup>

### *Mother Churches.*

From what has just been said, it can be seen that it was natural that bishops of small towns which owed their origin and foundation to the bishop of a larger and more important town came under his supervision and to a certain extent were dependent upon him. This could equally be applied, at least generally, to all “daughter churches”, even large cities, in their relations with their particular “mother church”. The mother church always preserved a moral supremacy. Sometimes its bishop emerged as leader, to a certain extent, of the bishops of a particular area, as Carthage did in the Church of Africa. This was by no means always the case. In most instances, until the third century, the idea of fraternal ties between churches prevailed, rather than that of a hierarchical structure. <sup>2</sup>

### *Local Churches and their Unity.*

Quite clearly the earliest churches were local in character. No local church exceeded its own borders. This, however, did not have the effect of isolating them, for Christians always had the feeling that they formed one single body, the Body of Christ, that they were the “Israel of grace” scattered throughout the world, yet united in Christ. <sup>3</sup>

While each local church was conscious of being itself complete, this consciousness did not entail its isolation from the common union of the churches, because its integrity was not a private possession, but a gift of God’s grace to every local church. All the local churches throughout the world lived the same reality in the Eucharist, and as a result witness-

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1. A. FLICHE and V. MARTIN, *op. cit.*, vol. II, p. 398. G. KONIDARES, *Αἱ Μητροπόλεις καὶ Ἀρχιεπισκοπαὶ τοῦ Οἰκουμενικοῦ Πατριαρχείου καὶ ἡ ῥάξις αὐτῶν*, p. 101.

2. A. FLICHE and V. MARTIN, *op. cit.*, vol. II, p. 398.

3. P. POLAKIS, *Ἱστορικαὶ προϋποθέσεις τοῦ προτείου τοῦ ἐπισκόπου Κωνσταντινουπόλεως*, p. 5.

ed to the unity in the Eucharist of the Church of God. It was this Eucharistic unity which was the nucleus of unity in the true faith and love. As a result, all the local churches which live the same Eucharistic reality must bear witness in the same way, in faithfulness to the Scriptures and to Apostolic tradition. Yet not all the local churches could boast a direct and unbroken succession of bishops back to Apostolic times. Many had come to know Christianity not from a particular Apostle, but through the missionary activity of another local church. It is clear that the witness of those local churches which were directly linked with the Apostolic period was seen as more authentic than that of local churches whose relation to the Apostolic period was through the mother church. This evaluation of the witness of each local church by the extent of its connection with the Apostolic tradition gave a privileged position in a sense to those Apostolic churches which could demonstrate the fidelity of their witness to the Apostolic tradition.

As long as the Church did not face doctrinal problems, each local church attempted to lead an integral life in accordance with Apostolic tradition, and the identity of this tradition in all the local churches throughout the world assured unity in the true faith. When any serious question arose, the local churches without direct Apostolic origins would have recourse to the mother church. Yet the relations between "mother" and "daughter" churches in no way affected the integrity of the latter, because these relations were specifically designed to avoid this. What was a difficult problem for one local church, being in itself a problem of the Church of God, was a problem for all the local churches throughout the world. Hence, when an individual local church offers to bear witness in the affairs of another, this does not indicate any particular power, but rather the experience of that church in taking an active rôle in another church which is in danger.<sup>1</sup>

These churches, as "the body in Christ Jesus", (*I Clem.* XXXVIII) "where order prevails, which Christ as king established," did possess internal unity, in spite of being dispersed throughout the known world, and in spite of differences of understanding (cf. *I Cor.* and *I Clem.* XLVII). While this unity was certainly spiritual in principle, a unity of faith and love and aspirations, it also included certain forms of

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1. B. PREIDAS, *Προϋποθέσεις διαμορφώσεως τοῦ θεσμοῦ τῆς Πενταρχίας τῶν Πατριαρχῶν*, pp. 26-27. Cf. N. AFANASSIEFF, 'L'Eglise qui préside dans l'amour,' in *La primauté de Pierre dans l'Eglise orthodoxe*, Neuchâtel-Paris, p. 31. H. KÜNG, *Die Kirche*, p. 365.

administration and worship which were centred on the Eucharist.<sup>1</sup> The consciousness of unity before the Church fully developed its catholic characteristics and appearance and even before the middle of the second century was so strong as to be discernible in the Apostolic Fathers. It underlies *I Clement*, where we read:

Let us take our body: the head without the feet is nothing . . . Let our whole body be saved in Christ Jesus (XXXVII & XXXVIII). Therefore why are there quarrels and anger and feuds and divisions amongst you? Have we not one God, and one Christ, and one Spirit of grace which was poured out upon us? Is there not one calling in Christ? So why do we tear and fracture the members of Christ, and quarrel against our own body, and arrive at such a demented state that we forget that we are members of each other (XLVI, 5 f.)? <sup>2</sup>

"The flock of Christ with the appointed presbyters" of *I Clem.* LIV, 2 which forms τὸ πλῆθος of each local church (Ignatius) is not a single entity, any more than the Church throughout the world is the sum of its parts. Rather, it consists of the members of the one Body of Christ. The Church of Antioch, exercising in the name of the risen Christ a world-wide mission, gave the title καθολικὴ Ἐκκλησία to this visible Church as early as the end of the first century.<sup>3</sup>

While Clement concentrates more on the Church as a community, Ignatius expresses what he believes about the unity of the Church of the time more clearly and fully. He writes emphatically that "wherever the bishop appears, there also is the congregation, just as wherever Christ Jesus is, there is the Catholic Church." Thus the invisible head of the universal Church is Christ present everywhere. The head of the local church is the bishop.

Ignatius stresses in particular the unity of the visible Catholic Church, and gives these instructions:

Take pains, therefore, to observe one Eucharist, for there is one flesh of our Lord Jesus Christ, and one cup for union in His blood. There is one altar, as there is one bishop, together with the presbytery and the deacons my fellow-servants, so that whatever you may do, you do it in God's fashion.

He also discerns the unity of the visible Church in the bishops as a body: "The bishops that are set in the most distant parts are in the mind of Jesus Christ."<sup>4</sup> Ignatius' teaching, enshrined in this sentence,

1. G. KONIDARES, *Ἡ διαμόρφωσις τῆς Καθολικῆς Ἐκκλησίας*, p. 28.

2. Ibid. p. 32, n. 1.

3. G. KONIDARES, *Γενικὴ Ἐκκλησιαστικὴ Ἱστορία*, p. 128.

4. *Ephes.* III, 2.

is important for the later development of the external shape of the Church and for its unity in the democratic synodical system and is to be seen as the prelude to the idea of the Oecumenical Council.<sup>1</sup>

Because of the different meanings of the word *καθολικός*, the unity of the Church as a whole in the local churches means that the local church stands for the universal Church, and the universal Church for the local.<sup>2</sup> For this reason, the term *καθολικὴ ἐκκλησία* was soon after transferred to the local churches.<sup>3</sup>

During the subapostolic period, as was said earlier, the unity of the Catholic Church was spiritual, yet certain external actions and liturgical forms were diverse, and the individual churches were independent, because a written law had not yet been formed, and councils on the model of the Apostolic Council did not function as an institution. Communication between the churches was frequent and was effected by personal visits, by letters and by envoys. Anything connected with the peace, stability, progress and unity of the churches was considered a mutual concern, as was also the desire which occasionally arose that certain common principles, customs and practices should hold sway in the day to day life of the Church.<sup>4</sup> Thus Polycarp, Bishop of Smyrna, went to Rome to discuss various matters with Pope Anicetus. Dionysius, Bishop of Corinth, "communicated frequently not only with those under him, but also with people from abroad," by means of his letters.<sup>5</sup> The one to the Lacedaemonians "is a hortatory instruction on the subject of peace and unity;" that to the Athenians is "a call to faith and to the life according to the Gospel." In a third to the Nicomedians "he combats

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1. G. KONIDARES, *Ἡ διαμόρφωσις τῆς Καθολικῆς Ἐκκλησίας*, p. 27, and *Γενικὴ Ἐκκλησιαστικὴ Ἱστορία*, p. 128.

2. The early Christians used the same word *ἐκκλησία* for the entire Church and for the local congregations, whether they were speaking of the province, the city, or the churches in houses. For this reason it is preferable to use the word *church* even for the local congregations rather than *community*. The individual churches are constituent congregations of the heavenly Church and of the one, Holy, Catholic and Apostolic Church throughout the world, as was the Church of Smyrna in A.D. 156 (*Martyrdom of Polycarp*, Introduction and VIII). Cf. G. KONIDARES, *Γεν. Ἐκκλ. Ἱστ.*, p. 128.

3. *Martyrdom of Polycarp* XVI, 2.

4. G. KONIDARES, *op. cit.*, p. 129.

5. These epistles are justifiably described by Eusebius as "Catholic." They were sent from an Apostolic Church, were authoritative for all the churches, and the teaching and directions were given by Dionysius and they were accepted by all the churches united in the same faith. Cf. P. POLAKES, *op. cit.*, p. 8.



the heresy of Marcion and compares it with the rule of truth." Another was written "to the Church dwelling in Gortyna, together with the other bishoprics in Crete," while the rest were addressed to "the Church dwelling in Amastris, together with those in Pontus." <sup>1</sup>

### *Councils.*

It soon appeared necessary for these two-way relationships and communications between the sister churches to be put on a more concrete footing. In fact during the first four centuries attempts can be seen, sometimes premeditated, sometimes spontaneous, to make the relationships between the churches more systematic, to manifest their unity more profoundly, and to embody it organically in the structure of the Church. <sup>2</sup>

One of the best ways of bringing about unity, or to be more precise one of the most natural manifestations of the unseen unity already in existence, was to be to call meetings of representatives from the various churches to exchange views, and to take joint resolutions on various questions that concerned them all.

In fact the first "councils and convocations of bishops" mentioned in history are those mentioned as having been held in Asia Minor against Montanism:

The faithful of Asia often assemble in many places in Asia for this purpose, and examine recent addresses. When they declare them to be profane, they reject the heresy. Heretics are thus expelled from the Church and are excluded from communion. <sup>3</sup>

Councils later met to deal with the celebration of Easter, because of the differences between Asia Minor and the other churches of the Empire when it came to the date of observing the feast and the fast before it.

In Asia Minor, the crucifixion was celebrated on the 14th of Nisan and the consequent salvation through the Last Supper—the Eucharist that is—would be commemorated on whatever day it chanced to fall. In the evening they would stop fasting and celebrate, in a manner analogous to the Jewish Passover Meal, the Christian Paschal Feast. In the West, as well as in many Eastern Churches, the Resurrection of

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1. EUSEBIUS, *Eccl. Hist.* IV, XXIII, 1-13.

2. A. FLICHE and V. MARTIN, *op. cit.*, vol. II, p. 398.

3. EUSEBIUS, *op. cit.*, V, XVI, 10.

the Lord was celebrated on the Sunday following the 14th of Nisan, regardless of the exact calendar date. First came the fast, which began on the day of the crucifixion—Friday—and finished on Saturday at midnight, when the day of the Lord's resurrection began, starting with the Eucharist. The difference was examined and discussed by Pope Anicetus and Polycarp of Smyrna during the latter's visit to Rome. They did not however agree, because each represented the traditional practice of his respective church, and stood by it.

And as things were so, they communicated with each other, and in Church Anicetus yielded the Eucharist to Polycarp . . . . , and they took their leave of one another in peace, and everyone in the Church was at peace, whether they observed the fourteenth day or not.<sup>1</sup>

The conviction that in essentials the unity of the Church must be upheld, while in non-essentials freedom is to prevail, would appear to be at the basis of this amicable difference.

The idea of unity in diversity was particularly strong in the East, and an example occurred in 192, when there was an attempt to make the celebration of Easter uniform throughout the Church. The question arose when Blabus, a presbyter from Asia Minor in Rome, who was probably in charge of the resident Asia Minor community there, attempted to introduce the quartodeciman usage.<sup>2</sup>

Then, at the instigation of Pope Victor of Rome:

Councils and assemblies of bishops were accordingly summoned to deal with this question, and all with one mind formulated in letters an *ecclesiastical dogma* to Christians everywhere, that the mystery of the Lord's resurrection from the dead should never be celebrated on any day other than Sunday, and that on this day alone should we keep the end of the Paschal fast. There survives until today a letter of those that assembled in Palestine under the presidency of Theophilus, Bishop of the community in Caesarea, and Narcissus, Bishop of the community in Jerusalem. Another exists from those that met in Rome to deal with the same question, showing that Victor was bishop. There is another from the Pontic bishops, whose president was Palmas, because he was the eldest. There is another from the communities of Gaul, which were supervised by Irenaeus (*OR* where Irenaeus was bishop), and another from the communities of Osrhoëne, and the towns there. In particular there is one from Bacchylus, Bishop of the Church of Corinth, and there are letters from a great many others who put forward one and the same opinion and decision and cast the same verdict: the one rule outlined above. The bishops of Asia, however, led by Polycrates,

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1. Ibid. V, XXIV, 17.

2. G. KONIDARES, *op. cit.*, p. 224.

vigorously affirmed that they ought to adhere to the ancient custom that had been handed down to them. Polycrates himself, in the letter he wrote to Victor and the Church of the Romans, expounded the tradition which he had inherited.<sup>1</sup>

From this account of Eusebius, two things in particular emerge: that the local churches composed provinces and met in provincial councils, and that at the head of each province was the bishop of the secular metropolis, who would preside and come into contact with the bishops of other metropolitan churches. Some of these were Theophilus for Caesarea and Palestine, Narcissus for Jerusalem, Victor for Rome and Italy, Palmas for Amastris and Pontus, and Polycrates for Ephesus and Asia.<sup>2</sup>

Yet as early as the end of the second century it appears that there was a hierarchical organization which roughly corresponded with the secular administration. It should be emphasized that this was one hundred and forty years before the Council of Nicaea.<sup>3</sup>

As a revival of the idea of the Apostolic Council, the convocation of local councils to combat Montanism and later to deal with the question of Easter created a common external institution, the council, which was both adaptable and based on democratic majority rule. The council, as an institution, further developed the function of formulating and preserving the internal signs of unity of the Catholic Church, and of introducing the general recognition of ecclesiastical tradition.<sup>4</sup>

Councils became an habitual institution in the Church during the third century, when they were expressly called to examine and confront the two questions of those that had lapsed during the persecutions and the baptism of heretics, and to come to some decision. Some of these councils were probably provincial, as was certainly the case for the council that met in Cathage to deal with the baptism of heretics.

Firmilian, Bishop of Caesarea in Cappadocia at the same period, wrote to Cyprian of Carthage and said:

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1. EUSEBIUS, op. cit., V, V, 23-24.

2. The amalgamation of churches in provinces is very ancient in the East and would appear to go back almost to Apostolic times. In the West, on the other hand, it developed more slowly, as it did in Egypt. Cf. J. GAUDEMET, *L'Eglise dans l'Empire romain (IV<sup>me</sup> siècle)*, Paris 1958, p. 382.

3. E. LANGE, 'Eglises locales et patriarchats à l'époque des grands conciles,' in *Irenikon*, 1961, 293.

4. G. KONIDARES, 'Η διαμόρφωσις τῆς Καθολικῆς Ἐκκλ. . . . pp. 38-41.

When we need to, our presbyters and church leaders meet each year to set in order those matters which have been entrusted to our care, and the most important questions are dealt with in common deliberation.<sup>1</sup>

Councils were clearly involved here, but were they provincial? The Councils of Iconium and Synnada fifteen years earlier (230-235), called to discuss the baptism of heretics, were not simply provincial, but were of wider significance. In Asia Minor provincial councils were also probably called, although there is no explicit evidence of this.<sup>2</sup>

In any case, there is no doubt that the proximity of bishops resulted in the council's being adopted as an institution within the general development of ecclesiastical organization as a whole. If any particular church were in need, the neighbouring bishops would be summoned. There are examples from the early third century of nearby bishops being called to deal with an irregular episcopal election.

Having done this, with the agreement of the bishops that governed the churches of the neighbourhood, they made him stay there by force.<sup>3</sup>

The provincial division of the Roman Empire was based on this concept of proximity, and formed to a great extent the model for the development of the ecclesiastical system.<sup>4</sup>

The synodical system, therefore, emerged in the form of local councils of nearby bishops in a surprisingly uniform fashion. This cannot be interpreted merely by the consciousness of unity in the true faith, in love and in the Eucharist possessed by all the local churches throughout the world, because the organization of councils everywhere must have been realized on the basis of some model. This model must be sought in the Church and can be found in the Church's ancient practice when consecrating bishops. The bishop of the vacant see was consecrated by nearby bishops, who took part not merely in the ceremony of consecration, but also in the election, either accepting or rejecting the nominee of the local church itself. It is, however, characteristic that the bishop's consecration took place before the principal part of the Eucharist, in which the sacrifice takes place, began. Immediately after the consecration, one of the bishops "offers the sacrifice to the hands of him that has been consecrated," and the new bishop thereafter acts as principal celebrant in the

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1. CYPRIAN, Letter LXXV, 4.

2. B. STEPHANIDES, *op. cit.*, pp. 98-99.

3. EUSEBIUS, *op. cit.*, VI, XI, 2.

4. B. STEPHANIDES, *op. cit.*, pp. 98-99.

Eucharist. The "offering of the sacrifice" to the newly consecrated bishop plainly shows not only that the local church, in the person of the bishop, felt itself completely to be the Church, but also that the new bishop was already in communion with the other bishops, and the communion of the local church with the other churches was guaranteed. Consequently the assembly of bishops to consecrate a new bishop in a vacant see had all the elements of the council, as this appeared in the second century as an institution with strict territorial limits. The Church accordingly was ready to confront heresies by calling local councils, which were usually convoked as meetings of bishops for consecrating others. In this sense, episcopal consecration was an expression of the synodical system and also influenced the way in which local councils met in the second century.<sup>1</sup>

#### *Metropolitans.*

Alongside the provincial councils emerged the office of metropolitan. The provincial councils met in the provincial capital, the largest and most important city of the province which in most cases would already have received the honorary title of metropolis from the imperial government. The bishop of the capital presided at the council, and was entrusted not only with executing its resolutions, but also with supervising the other bishops of the province.<sup>2</sup> It was consequently natural that the bishop of the capital, the metropolitan, acquired a certain superiority over the other bishops of the province. These other bishops throughout the provinces of the Empire reacted against the subsequent develop-

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1. B. PHEIDAS, *op. cit.*, pp. 44-46, cf. A. SCHMEMMANN, 'La notion de primauté,' in *La primauté de Pierre dans l'Eglise orthodoxe*, 133-134. Nevertheless, as Pheidas rightly points out, it is understandable that "when we speak about the consecration of a bishop as the model for the local synods, we do not mean that the origin of the synodical system in the Church was influenced by the way in which episcopal consecrations were performed, because this belongs to the essence of the Church and was already well developed in the Apostolic Council. Rather we are searching for the external model of the local expression of the synodical system in the second century, i.e. the model on which the local synods were convened and composed. In this sense, the resemblance of the external form of the assembly of bishops for the consecration of a bishop for a vacant see to that of the local synod is self-evident, because the former is in the last analysis a local synod and expression of the conciliarity of the Church" (B. PHEIDAS, *op. cit.*, p. 46, n. 220).

2. J. COLSON, *L'Episcopat catholique*, p. 77, G. KONIDARES, *Γεν. Ἐκκλ. Ἱστ.* p. 241 f.

ment and strengthening of this superiority of the bishops of the provincial capitals. Eusebius writes that lust for power provoked jealousy, enmity, hate, quarrels and threats among the bishops.<sup>1</sup>

Thus, as quarrels had first broken out between presbyters and bishops, and later between chorepiscopi and bishops, they now broke out between bishops and metropolitans. The Council of Nicaea in 325 laid down precisely how the provincial and metropolitan organization was to work.<sup>2</sup> The term *μητροπολίτης* first appears in canon four of Nicaea. The metropolitan was also called *ὁ πρωτεύων* and *ὁ τῆς πρώτης καθέδρας*.

The metropolitan system was mainly developed in Asia Minor, and later spread to the areas of Antioch and Egypt and the West, reaching Italy after 350 and Gaul and Spain at the end of the fourth century. In Africa it developed differently, perhaps because there were no large cities there. After a while a system came to prevail there by which the senior of the bishops presided over the council, because in Numidia and Mauritania there were no constant metropolitan cities. The office of metropolitan continued to be unknown in this region until the sixth century, and this occurred also for a while in Pontus and Spain. In Africa *proconsularis*, however, the Bishop of Carthage occupied the position of both metropolitan and *exarch*.<sup>3</sup>

#### *Exarchs and Patriarchs.*

It was the rapid increase in the number of bishops during the third century and their concentration around the bishop of the capital and in the synodical system which, as we have just seen, formed the basis of the office of metropolitan. At the same period there began to emerge another, higher dignity, that of *exarch*. This office reached its full development in the fourth century, and thus naturally paved the way for the appearance in the fifth century of a new, distinct administrative grade, that of *patriarch*.<sup>4</sup>

*Ἐξαρχος* is a classical word and originally referred to the leader or chief of the chorus of priests, who was known as *ἔξαρχος καὶ προηγεμένων*.

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1. EUSEBIUS, *Ecc. Hist.* I, 8.

2. G. KONIDARES, *op. cit.*, p. 375.

3. A. FLICHE and V. MARTIN, *op. cit.*, vol. II, p. 400-402 and E. LANGE, *op. cit.*, p. 293.

4. G. KONIDARES, *op. cit.*, p. 375.

Subsequently, during the early Byzantine period, it was the title borne by the highest ranking officer in the army, with command of a complete *diocese*—one of the large regions into which Constantine divided the Empire. The title came into ecclesiastical and canonical use with similar connotations. In the history of its adoption by Christianity, three stages of development can be discerned: The early stage, when the office of exarch had independent significance; the middle period, when the exarch was merely an instrument of patriarchal authority, and the most recent stage, which to a certain extent represents a return to the independence of the early stage. Of these we shall examine here only the first two.

The most significant use of this term is the earliest, which is dependent on the organic development of the idea of ecclesiastical administrative power. From the earliest years of Christianity, even in the New Testament Epistles, the ecclesiastical administrative divisions can be seen to conform and adapt themselves to the secular. The most extensive ecclesiastical areas took the name of entire countries, such as for example the Churches of Asia (*I Cor.* XVI, 19). There were also extensive areas called by the names of provinces, as for instance the Macedonian Church (*II Cor.* VIII, 1); and smaller ecclesiastical units were called by the names of the metropolises or the important provincial cities which were their centres, such as the Church of Thessalonica (*I Thess.* I, 1), Ephesus (*Rev.* II, 1) and others. Each of these churches had its own independent administration, while the administration of such matters as concerned them all was concentrated in the metropolis of each ecclesiastical area. When St. Paul left the Churches of Asia, he addressed himself to the pastors of Ephesus and entrusted them with looking after the ecclesiastical administration of the entire area, Ephesus being the most important city (*Acts* XX, 17-35). He did the same with the Churches of Achaia, entrusting them to the Christians of Corinth, the metropolis of the area (*II Cor.* I, 1). This Apostolic practice appears also in the first canons the Church decreed, which dealt with the prerogatives of bishops and always took into consideration the secular status of the cities where the churches were situated.<sup>1</sup>

Constantine was also responsible for reforming the civil administration, giving it greater harmony and unity. He divided the whole empire into four large *prefectures*: Oriens, Illyricum, Italia and Gallia. These prefectures were further divided into *dioceses*, the dioceses into *pro-*

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1. Cf. Apost. Canons 14 and 15 and N. MILAS, op. cit., p. 425.

*vinces*, and the provinces into *cities*. In charge of each of these areas was a ruler with the corresponding title of *praefectus*, *exarchus*, *procurator* and *parochus*; Ecclesiastical administration quickly developed along the hierarchical lines of the new imperial administration. At the Council of Chalcedon, this principle of adaptation to the secular administration came to be seen as binding in law, and this was confirmed by the thirtieth canon of the Council in Trullo. Little by little, the bishop of the metropolis emerged from the ecclesiastical organisation. Originally he did not bear the title of metropolitan, but was called *ὁ πρῶτος*—in Latin *primus*, the *first*—as can be seen from the thirty-fourth Apostolic canon. In the East, this title was developed fairly quickly, but in the West, when referring to the ecclesiastical authority of the metropolitan, they preferred to use the old term *primus* as it appears in the forty-eighth canon of the Council of Carthage. Parallel with this, the Council of Sardica introduced into ecclesiastical usage as a synonym for metropolitan the new term *exarch of the province*. So originally *exarch* signified the *primus* or metropolitan of the area, that is of the province. Yet the exarch soon came to have a more exalted status between metropolitan and patriarch. The first indisputable appearance of *ἐξαρχος* as a canonical term is in the Acts of the Council of Antioch in 445, where Domnus, Bishop of Antioch, is referred to by this title. Zonaras, in his interpretation of the seventeenth canon of Antioch, writes:

Others were also called exarchs — to wit the Bishops of Caesarea in Cappadocia, of Ephesus, Thessalonica and Corinth, and because of this are said to have had the privilege of wearing *polystauria* in their churches.

Clearly, therefore, in the early Church, exarchs were the bishops of the dioceses and stood higher than the bishops of the provinces or provincial metropolitans, being in some ways independent of and distinct from them. Yet while the importance of the provincial metropolitans became more closely and rigidly defined after the period of Chalcedon, the exarchs of the dioceses gradually began to lose their preeminence, and by the middle of the sixth century Justinian's legislation accords them no independent significance. Consequently, to the controversial canonical questions as to which is higher, the metropolitan or the exarch, and whether the exarch is not in fact what is later called patriarch, the answers are quite clear. There is no doubt that the exarchs, who were bishops of the diocesan capitals, ranked higher than the metropolitans, who were merely bishops of provincial capitals. On the other hand, it is clear that the metropolitans of the most important dioceses



mentioned in the canons of the Council of Nicaea were such exarchs, and certainly possessed greater influence and authority, as they were in fact sometimes named in the ecclesiastical sources of the period (an example is Domnus of Antioch). As for the distinction between exarch and patriarch, it must be noted that not all the exarchs were entitled patriarchs, but only the heads of the most important dioceses; bishops of those cities which stood before all others by virtue of their secular status (sometimes also because of their historical associations, as was the case with Jerusalem), and who had also received earlier the title of metropolitan. This, however, differed in some respects from the later title of patriarch, its content being less well defined <sup>1</sup>.

The second stage in the history of the title of exarch came at Chalcedon when the office of patriarch was introduced in the East. In the acts of this council the term *patriarch* does not appear, but the office is mentioned under the name of ἀρχιεπίσκοπος. While the leaders of the most important dioceses were given new powers—or rather what they already possessed was augmented and developed—and gained the title at first of ἀρχιεπίσκοπος and later of πατριάρχης, the bishops of the other, less important, dioceses—exarchs in the strict sense of the word—were made canonically dependent upon the archbishops, and thus became instruments of patriarchal authority. Standing a rung lower than the patriarch in the ecclesiastical administration, the exarchs naturally became the most important and influential instruments of the patriarch <sup>2</sup>.

Of the Eastern exarchs, the first to achieve supremacy was Alexan-

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1. In the West, as early as the Council of Nicaea, the great cities of Rome, Carthage and Thessalonica emerged in a position of predominance over the Churches of central Italy, North Africa and Illyricum respectively, while in the East, Alexandria, Antioch, Caesarea in Palestine, Caesarea in Cappadocia, Ephesus and Heraclea in Thrace presided over their own areas, which more or less coincided with the secular dioceses. Parallel with the development of the administrative system of the Roman Empire which had a strong influence, the rise of the exarchates was also helped by a second factor: the fact that most of the more important cities had been centres for the propagation of the Christian faith, and some of them were Apostolic sees or had come to have a special relationship with one of the Apostles and for this reason were called Apostolic sees (G. KONIDARES, op. cit., p. 577).

2. A. POKROVSKIJ, 'Ἐξάρχης' in A. ΛΑΡΟΥΧΙΝ, *Pravoslavnaja Bogoslovskaja Entsiklopedija* V, 368-373. N. MILAS, op. cit., p. 341. PH. VAPHIDES, 'Ἐκκλ. Ἱστορ. vol I, p. 292. "Ἐξάρχης" in *Dictionnaire de Droit canonique* V, 604. "Ἐξάρχης", in *MEE* XI, 251.

dria, in the third century. He was the first to be named *ἀρχιεπίσκοπος*,<sup>1</sup> in the sense of primate and leader of an independent church. He was involved in the ecclesiastical affairs not only of Egypt, but also of Libya. The distinction of the Alexandrian throne is to be attributed to Alexandria's being the second city of the Roman Empire, and its bishop consequently came immediately after that of Rome. The Church of Alexandria strengthened its position and made it secure by its preeminence as a great spiritual centre of the Catholic Church, and by its victory over Arianism at Nicaea.

Second in importance came the Bishop of Antioch, who during Apostolic and subapostolic times was regarded as the leading bishop of the Catholic Church. There is evidence that as early as the time of Ignatius, Antioch not only had oversight of the whole of Syria, but was also involved in the ecclesiastical affairs of Palestine, Cilicia, Mesopotamia, Osrhoëne and Persia. By the end of the second century, we are told that Palut, Bishop of Edessa, the capital of Osrhoëne, was consecrated by Serapion, Bishop of Antioch (193-209). The Church of Persia was dependent upon the Bishop of Antioch from the third century until the fifth.

To these two exarchs of the East must be added also the following three, who, *being of less importance*, were subordinated to the Bishop of Constantinople from the end of the fourth until the middle of the fifth century:

a) The Bishop of Caesarea in Cappadocia, who, as we learn from the events of the dispute over the baptism of heretics, was involved in the ecclesiastical affairs of Eastern Asia Minor and Pontus from the first half of the third century onwards, and in the fourth century even extended his influence as far as Armenia.

b) Ephesus came next in importance, as head of the bishops of the diocese of Asia by the end of the second century. He was involved in the affairs of the whole of western Asia Minor.

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1. The title of archbishop, as an ancient and modern term, is used with two senses from the fourth and fifth centuries onwards: firstly as a title of the Bishop of Alexandria (from the fourth century), and subsequently of the Bishop of Rome and bishops of other great ruling churches. In the fifth century the other meaning is found, whereby the archbishop is below a metropolitan, but also has the title of "autocephalous." In the West it is also used in a third sense meaning metropolitan. cf. G. KONIDARES, *Περὶ τὸν τίτλον τοῦ ἀρχιεπισκόπου*, p. 16. Cf. CH. PAPADOPOULOS, "Ὁ τίτλος τοῦ ἀρχιεπισκόπου," in *Θεολογία* 1935, 389 f. and R. SOHM, *Kirchenrecht*, p. 408.

c) After Ephesus came the Metropolitan of Heraclea, the Exarch of Thrace, to whom the Bishop of Byzantium was subordinate. The Church of Constantinople was placed over these three exarchs in the fifth century.<sup>1</sup>

### *The Council of Nicaea.*

Canon six of the Council of Nicaea confirmed the prerogatives of the exarchs as *ancient customs*, and in particular singled out the Exarchs of Rome, Alexandria and Antioch. The text runs as follows:

Τὰ ἀρχαῖα ἔθθι κρατεῖται, τὰ ἐν Αἰγύπτῳ καὶ ἐν Λιβύῃ καὶ Πενταπόλει, ὥστε τὸν ἐν Ἀλεξανδρείᾳ ἐπίσκοπον πάντων τούτων ἔχειν τὴν ἐξουσίαν· ἐπειδὴ καὶ τῷ ἐν Ῥώμῃ ἐπισκόπῳ τοῦτο σύνηθές ἐστιν. Ὁμοίως δὲ κατὰ τὴν Ἀντιόχειαν καὶ ἐν ταῖς ἄλλαις ἐπαρχίαις, τὰ πρεσβεῖα σώζεσθαι ταῖς ἐκκλησίαις. Καθόλου δὲ πρόδηλον ἐκείνῳ· ὅτι, εἴ τις χωρὶς γνώμης τοῦ μητροπολίτου γένοιτο ἐπίσκοπος, τὸν τοιοῦτον ἡ μεγάλη σύνοδος ὥρισεν μὴ δεῖν εἶναι ἐπίσκοπον. Ἐὰν μέντοι τῇ κοινῇ πάντων ψήφῳ, εὐλόγῳ οὕσῃ, καὶ κατὰ κανόνα ἐκκλησιαστικὸν δύο ἢ τρεῖς δι' οἰκείαν φιλονικίαν ἀντιλέγωσι, κρατεῖται ἡ τῶν πλείονων ψήφος.<sup>2</sup>

Let the ancient customs prevail; that is to say those in Egypt, Libya and the Pentapolis, which give the Bishop in Alexandria power over all these areas, since the same is also customary for the Bishop in Rome. In the same way in Antioch, and in the other provinces, the prerogatives are to be preserved for the churches. It must be quite clear: if someone is made a bishop against the will of the metropolitan, the Great Council has resolved that he ought not to be a bishop. Yet if two or three bishops for reasons of personal contentiousness oppose the common vote of all, provided it is fair and follows ecclesiastical rule, let the votes of the majority prevail.

It is quite true that canon six has been interpreted in several different ways, as is evidenced by the various problems that have arisen from it.<sup>3</sup> Nevertheless, as these do not strictly fall within the present scope of this work, they will not be dealt with here, except in so far as certain points touch on the subject under discussion.

This canon, which owes its inclusion among the Nicene canons to

1. G. KONIDARES, *Γεν. Ἑκκλ. Ἱστ.* p. 378-379.

2. G. RHALLER and M. POTLES, *op. cit.*, vol II, p. 128.

3. These problems are examined at length by B. PHEIDAS, *op. cit.*, pp. 51-95. Cf. also E. SCHWARTZ, *Der 6. Nicänische Kanon auf der Synode von Chalkedon*, Sb. Pr. AW. 1930, 27, 633 f., and *Abh. Bayr. Ak. N. F.* XIII 85-57, 1937. K. MÜLLER-CAMPENHAUSEN, *Kirchengeschichte I*, 1, <sup>3</sup>1941, pp. 556-562.

the Meletian schism,<sup>1</sup> intended to inaugurate a new era of ecclesiastical administration and unambiguously prescribed that "the ancient customs", the ancient order that is, were to prevail. These "customs" made the following three demands:

a) The Bishop of Alexandria was to hold a prominent position. The canon decrees quite clearly that his jurisdiction should extend over all of Egypt, Libya and the Pentapolis. His authority is paralleled with that of the Bishop of Rome.<sup>2</sup>

What precisely did this prominent position of the Bishop of Alexandria consist of? Scholars hold different opinions. Some, like the celebrated canon lawyer van Espen, believe that the four secular provinces of Egypt, Libya, the Pentapolis and the Thebaid were united, so as to form a single ecclesiastical province with the Bishop of Alexandria as sole metropolitan.<sup>3</sup> Others, such as de Valois, Phillips and Maassen are of the opinion that each of these civil provinces formed an individual ecclesiastical province with its own metropolitan. The Bishop of Alexandria, who was Metropolitan of the province of Egypt proper, held such ecclesiastical supremacy over the entire secular diocese that the Metropolitans of the Pentapolis, Libya and the Thebaid were under his jurisdiction. It must be noted that at the time of Nicaea there was as yet no title to name the superior metropolitans who were later called patriarchs or exarchs.<sup>4</sup> Consequently those who uphold this latter view recognize that Alexandria possessed what would later be called *patri-*

1. CH. PAPADOPOULOS, 'Ιστ. Ἐκκλ. Ἀλεξανδρείας, pp. 174 f.

2. Saumaise, Beveridge and Launoy maintain that canon six of Nicaea recognizes the Bishop of Alexandria as possessing the prerogatives of a regular metropolitan.

3. VAN ESPEN, *Commentarius in canones*, pp. 91 f., WILTSCH, *Kirchliche Geographie und Statistik*, p. 18. This view has provoked a great deal of discussion, and many reservations have been expressed about it. By 325 was the Bishop of Alexandria really the sole metropolitan of these areas? Beveridge (*Synodicon*, pp. 47 f.), Le Quien (*Oriens Christianus* p. 353) and Neale (*Introduction to the History of the Eastern Church* vol. I, p. 111) have replied probably not. De Valois (*Notes sur Socrate et Sozomène*, book III) and Hefele conclude on the other hand that there were metropolises subject to Alexandria, such as Ptolemais, which at the time of Athanasius was the see of a metropolitan. Beveridge points out that it was the only see entitled to be called a metropolis, as it then administered six provinces. C. HEFELE and H. LECLERCQ, *Histoire des Conciles* vol I, 1, p. 556.

4. Ibid. vol. I, 1, p. 557. F. MAASSEN, *Der Primat des Bischofs von Rom und die alten Patriarchalkirchen*, p. 62. C. HEFELE and H. LECLERCQ, op. cit., I, 1, pp. 561-562.

archal jurisdiction.<sup>1</sup> While the question is controversial, it is beyond

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1. Following Maassen and Hefele, Milasch (*Pravila Pravoslavnoj Tserkvi tolkovanijami*, pp. 199-200) acknowledges that "the rights of the Bishop of Alexandria were not the rights of a simple metropolitan in the sense in which the fourth Nicene canon speaks, i.e. rights of a metropolitan of a limited area, the province. Rather his rights extended over the three provinces mentioned in the canon: Egypt, Libya and the Pentapolis, each of which had its own metropolitan with bishops subject to him . . . Not that this canon of the Council of Nicaea instituted the patriarchal office in the Church, but it did recognize and institute the special wider metropolitanical rights of the churches that would later be called patriarchal, because their metropolitans exercised administrative jurisdiction not just over a specific number of bishops, but also over a specific number of metropolitans together with their subject bishops." This view, which is supported by several later canon lawyers, is based upon the Byzantine commentators and agrees with them. Balsamon writes: "The sixth and seventh canons prescribe that the four patriarchs, Alexandria, Antioch and Jerusalem (the Patriarch of Constantinople is dealt with in other canons), are to be honoured according to the ancient customs: the Patriarch of Alexandria is to exercise control over the provinces in Egypt, Libya and the Pentapolis, the Patriarch of Antioch is to exercise control over Syria, Coele Syria, Mesopotamia and the two Cilicias, Jerusalem over the provinces in Palestine, Arabia and Phoenice . . . and the Bishop of Rome is to preside over the Western provinces. So the canons desire that the patriarchs should exercise control over the metropolitans under their jurisdiction and that the metropolitans should exercise control over the bishops under their jurisdiction, and that nothing extraordinary should be done without their consent by the bishops under their jurisdiction." Zonaras writes: "The canon desires that the ancient customs should prevail; this is also prescribed by later canons and secular legislation. The canon decrees that the Patriarch of Alexandria should exercise control over the provinces of Egypt, Libya and the Pentapolis; the Patriarch of Antioch over the provinces subject to him, Syria, Coele Syria, the two Cilicias and Mesopotamia and over the other bishops in these areas subject to their control, in the same way that custom has preserved the President of the Church of Rome's control over the West . . ." (G. RHALLES and M. POTLES, op. cit., vol. II, pp. 128-129). These two distinguished Eastern canon lawyers and their successors regard canon six as the basis of the patriarchal organization of the Church, seeing no contradiction between the two halves of the canon. As a result they see the first half as inaugurating the supra-metropolitanical rights of the Roman, Alexandrian and Antiochene thrones, and the second half as safeguarding the metropolitanical organization within the framework of the supra-metropolitanical organization. Pheidas on the other hand considers that the second half of the canon is to be taken with canons four and five, which introduce the metropolitanical system into church administration, rather than with the first half of the canon, and he maintains that historical research tends to justify the views of Ziegler (*Versuch einer pragmatischen Geschichte der kirchlichen Verfassungsformen*, p. 167), Pichler (*Geschichte der kirchlichen Trennung*, I, 111), Pavlov (*Teorija vostočnago papizma v novjeichej rouskoj litteratourje kanonitseskago prava*, *Pravoslavnoje obozrenije*, 1879, 480-482), Bolotov (*Lektskij po istorii drevnej Tserkvi*, 11, 426), Sohm (*Kirchenrecht*, 403 f.), Ch. Papadopoulos (*Ἱστορία Ἐκκλησίας Ἀλεξανδρείας*, p. 474) and G.

dispute that the Bishop of Alexandria had gained direct jurisdiction over several provinces.<sup>1</sup>

So as to put this power on a surer footing, the Council of Nicaea placed it parallel with that of the Pope of Rome: 'Επειδὴ καὶ τῷ ἐν Ῥώμῃ ἐπισκόπῳ τοῦτο σύνηθές ἐστιν.<sup>2</sup>

Konidares (Γεν. Ἐκκλ. Ἰστ. pp. 242-243), who maintain that the metropolitan system was not put into practice in Egypt in the same way as it was in other provinces of the empire: in other words that as the Church of Egypt did not have metropolises of the kind which had developed elsewhere, it had preserved its distinctive administrative system by ancient custom and was subject to the Patriarch of Alexandria. To support their argument, these scholars cite the two analogous cases of Rome and Antioch, where again, they maintain, the metropolitan system was not strictly applied (PHEIDAS, op. cit., pp. 58 and 65).

1. J. HAJJAR. *Le Synode permanent*, p. 32. P. DUPREY, 'La structure synodale de l'Eglise dans la théologie orientale,' in *Proche-Orient Chrétien* 1970, 123-145.

2. G. RHALLES and M. POTLES, op. cit., II, p. 128. Meyendorff comments: "If the question of Alexandria's privileges were discussed, the Fathers of Nicaea probably yielded to the Alexandrian arguments, which would have included amongst other things the principle already enunciated by Irenaeus: *ad haec ecclesiam necesse est omnem convenire Ecclesiam* (*Adv. Haer.* III. 2). The Roman custom of recognizing only one bishop as being entitled to confirm episcopal elections in an area exceeding the limits of a secular province prevailed for the Fathers of Nicaea and they accepted it for the Bishop of Alexandria as well. There is accordingly explicit evidence of the exceptional immense authority held by the Bishop of Rome throughout the Christian world at the beginning of the fourth century. Roman Catholic historians often stress this parallelism between Rome and Alexandria proclaimed by the Council of Nicaea. This parallelism, however, can only be seen to have been applied to Rome's patriarchal privileges and not to its universal primacy. Yet it is doubtful if the Nicene Fathers regarded it in this light. In fact there is evidence supporting Rome's universal authority, in that the Fathers thought of citing the example of the Roman Church to allow the extraordinary privileges claimed by the Bishop of Alexandria. Their conception of the primacy lay in the *authority* they recognized the Roman see as holding, the authority which made it a suitable model to cite. Without being compulsory in law, the Roman custom attested to a practice which the Roman Church recognized, not because it possessed universal jurisdiction, but because it was 'the greatest, most ancient, best known church of all, founded and instituted as it was by the two most glorious Apostles, Peter and Paul' (IRENÆUS, op. cit., III, 3), and because it consequently possessed a *potentior principalitas*. In short it was a question not of jurisdictional power, but of moral authority" ('La primauté romaine dans la tradition canonique jusqu'au Concile de Chalcédoine,' in *Istina* 1957, 466-467).

Commenting on Meyendorff's conclusion, C-J. Dumont writes: "If in fact a distinction must be made between *authority* and the jurisdictional power in which and by which it expresses itself, they should not be contrasted as sharply as they are by Meyendorff. Power can be contained in authority prior to acquiring any legal form. And when it does acquire such a form, it is not the form which creates or enshrines the corresponding power; power is merely established in the legal order when

b) Antioch came next: 'Ὁμοίως δὲ καὶ κατὰ τὴν Ἀντιόχειαν . . . τὰ πρεσβεῖα σφύζεσθαι. What precisely was meant by these *prerogatives* of Antioch, when the extent of this bishop's jurisdiction was not defined in the canon? The canon made no mention of it, and scholars are divided on the subject. Some believe that the canon recognized that Antioch possessed rights of patriarchal jurisdiction, as they would later be called, similar to those of Alexandria; namely those of consecrating metropolitans and confirming episcopal consecrations performed directly by the metropolitans. Herein lay his only difference from the Bishop of Alexandria, who performed the consecrations even of mere assistant bishops.<sup>1</sup> Others, while denying Antioch this particular right, recognize that he possessed a certain prerogative, "which was greater than a prerogative of honour, but cannot be defined by the historian."<sup>2</sup>

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it acquires such a form. The classic example is that of marriage. Neither the civil nor canonical legislation create marriage as an institution or provide it with its fundamental moral conditions and capacities. It has thus been and is possible for us frequently to interpret specific conciliar decisions. While the councils may 'have provided certain churches with legal and canonical powers,' this does not mean that the authority of these churches is necessarily in every case dependent on the conciliar decisions. The powers were simply the canonico-legal expression of the churches' authority. This applies here to the 'special authority' of the Roman Church, an authority which even Meyendorff recognizes that Church as continuing to exercise 'independently of the decisions taken by the councils.' Meyendorff had besides stated at the beginning of his article that no council established the Roman primacy as an institution, for it was a primacy which the Fathers had always recognized . . ." ('Note critique,' in *Istina* 1957, 483).

In his article 'Le mystère de l'Eglise dans la perspective de la théologie orthodoxe,' (*Irenikon* 1962, 171-212), E. Lanne comments on this sharp distinction between moral authority and jurisdictional power: ". . . Yet what is such a radical distinction based upon? The evidence of the first centuries of the special 'moral authority' of a church surely presupposes some jurisdictional or canonical authority, even if only in embryonic form. And again is it not true that authority in the Church presupposes in a quite specific sense a form of authority over the Church? What kind of authority is it which cannot impose itself by means of any canonical, legal or oecumenical order? Surely the idea of *communio*, as it was understood in the first three centuries, presupposes, secondarily it must be admitted, yet nevertheless genuinely, an aspect of canonical authority. What was the significance of denial of communion to a particular church: expulsion from the body of the Church, in the terminology of the early Church? In our opinion, all these questions deserve deeper study by our Orthodox brothers" (pp. 208-209).

1. C. HEFELE and H. LECLERCQ, *op. cit.*, vol. I, 4 p. 559. Cf. Innocent I's letter to the Patriarch of Antioch, PL XX, 547.

2. I. P. BATIFFOL, *La Paix constantinienne*, pp. 131-132. A. FLICHE and V. MARTIN, *op. cit.*, vol. III, 449. J. HAJJAR, *op. cit.*, p. 33.

c) There follow the other provinces: . . . καὶ ἐν ταῖς ἄλλαις ἐπαρχίαις τὰ πρεσβεῖα σφύζεσθαι ταῖς ἐκκλησίαις. What is meant by the words καὶ ἐν ταῖς ἄλλαις ἐπαρχίαις? Again opinions are divided. Some scholars, such as Saumaise, suggest that regular ecclesiastical provinces with their metropolitans are involved.<sup>1</sup> De Valois,<sup>2</sup> du Pin,<sup>3</sup> Maassen,<sup>4</sup> and others,<sup>5</sup> however, claim that the passage refers to the three superior provinces of Pontus, Asia and Thrace, which had rights similar to those of the Churches of Rome, Alexandria and Antioch. The metropolitans of these provinces were the Bishops of Caesarea in Cappadocia, Ephesus and Heraclea respectively. Those subscribing to this second view give the following reasons:

a) The council was not speaking about regular provinces, but about those provinces that possessed πρεσβεῖα.

b) That the word ὁμοίως in the canon indicates that the council placed these provinces on an equal plane with the Churches of Alexandria and Antioch.

c) While it is true that the sixth canon does not specify which these other provinces are, if the relevant passage is interpreted in the light of the second canon of the Council of Constantinople, which classifies the Churches of Caesarea, Ephesus and Heraclea in the way in which Nicaea refers to the Churches of Rome, Alexandria and Antioch, it emerges beyond doubt that the Nicene Fathers had in mind these three provinces in the sixth canon.

d) The letter of Theodoret of Cyrus to Flavian of Constantinople:

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1. Cf. C. HEFELE and H. LECLERCQ, op. cit., vol. I, 1. p. 560, while Miklasich (op. cit., 1, 203-204) maintains that "the other provinces" must be taken to mean the dioceses of Asia, Pontus, Thrace, Northern Italy and North Africa, and that the churches of the capitals of these dioceses, Ephesus, Caesarea, Heraclea, Milan and Carthage were to preserve their special prerogatives. At the time of the Council of Nicaea these metropolitans were completely autonomous and independent and possessed the same prerogatives and privileges as the Bishops of Rome, Alexandria and Antioch.

2. H. de VALOIS, *Notes sur Socrate et Sozomène*, Book III.

3. ELLIES DU PIN, *De Antiqua Ecclesiae Disciplina*, p. 68.

4. F. MAASSEN, *Der Primat des Bischofs von Rom und die alten Patriarchalkirchen*, p. 57.

5. N. SOUVOROV, *Kurs Tserkovnago Prava*, 1, 55. K. LÜBECK, *Reichseinteilung*, 140. S. VAILHE, 'Constantinople' in DTC III, 1321. K. BIHLMAYER, *Kirchengeschichte*, I, 112. H. G. BECK, *Kirche und theologische Literatur im byzantinischen Reich*, p. 29.



Ἐκεῖνη γάρ τῃ βασιλευσούσῃ πόλει  
 συνελθόντες οἱ μακάριοι πατέρες, συμφώ-  
 νως τοῖς ἐν Νικαίᾳ συναθροισθεῖσι,  
 τὰς διοικήσεις διέκριναν καὶ ἐκάστη  
 διοικήσει τὰ ἐαυτῆς ἀπένευμαν. <sup>1</sup>

For the blessed fathers who met  
 in the imperial city, in agreement with  
 those who assembled in Nicaea, fixed  
 the dioceses and assigned to each di-  
 ocese what pertains to it.

From this it may be deduced that the Council of Nicaea had already recognized the dioceses of Pontus, Asia and Thrace as distinct ecclesiastical provinces governed by superior metropolitans, as it had done in the case of the dioceses of Rome, Alexandria and Antioch. As the Council of Constantinople proceeded in canon two to separate the dioceses and make distinctions between them, the boundaries of these dioceses must have been clearly known. Rome, Alexandria and Antioch could not have been the only distinct ecclesiastical dioceses. <sup>2</sup>

Of these two views, the second seems to be more in keeping with the facts, and is the more commonly accepted today. Its adherents, however, do observe that as far as the three provinces of Pontus, Asia and Thrace are concerned, "history makes no mention of their possessing those rights ascribed to Rome, Alexandria and Antioch." <sup>3</sup> They hold that the metropolitans of these three provinces had the rights and prerogatives of *exarch-metropolitans*, yet not to the same extent as the Churches of Rome, Alexandria and Antioch, which had precedence. The particular authority exerted by these sees, over and above the regular ecclesiastical organization, was based on different presuppositions. <sup>4</sup>

1. PG LXXXIII, 1280.

2. MAASSEN, op. cit., p. 54. C. HEFELE and H. LECLERCQ, op. cit., vol. I, 1, p. 561.

3. J. HAJJAR, op. cit., p. 33. R. VANCOURT, 'Patriarcats,' in DTC XI, 2253-2258.

4. The question of Apostolic foundation has been given exaggerated importance by some scholars. It does not appear however to have been the prevailing factor, at least so far as Alexandria is concerned. The tradition that this church was founded by St. Mark would not be sufficient reason for Alexandria to lay claim to privileges equal to those of Rome, for other churches would have had a better claim to Apostolic foundation guaranteed by the New Testament, such as the Church of Antioch, which always held third place, after Rome and Alexandria. Moreover, as historians have often pointed out, Apostolic foundation was relatively common in the East and consequently did not possess the significance it had in the West, where the see of Rome was the only Apostolic see and the principal centre from where missionary work was conducted. The Bishop of Alexandria never boasted of Apostolic foundation, even after the Council of Constantinople in 381, when he needed to defend himself against the Constantinopolitan bishop. It was the fifth century Popes who first gave promi-

Nicaea went on to legislate in canon seven as follows:

Ἐπειδὴ συνήθεια κεκράτηκε καὶ  
παράδοσις ἀρχαία, ὥστε τὸν ἐν Αἰλίᾳ  
ἐπίσκοπον τιμᾶσθαι, ἐχέτω τὴν ἀκολου-  
θίαν τῆς τιμῆς, τῇ μητροπόλει σφριζομένου  
τοῦ οἰκείου ἀξιωματός.

While safeguarding the proper  
dignity of the metropolis, let the Bi-  
shop of Aelia have the next place of  
precedence, because custom and an-  
cient tradition have held that he  
should be honoured.

From this canon it can be seen that it was the Church's resolve that the prerogatives of the metropolitans should remain in force undiminished. It refers to the peculiar case of the Church of Jerusalem, cited under the name of Aelia, the name Hadrian gave to the rebuilt city. The council was working on the basis that the Bishop of Aelia had been honoured from the start as bishop of the Holy City.<sup>1</sup> Yet faithful to the fundamental principle it established that the *ancient customs* were to be upheld, the council ascribed to the Bishop of Aelia the *ἀκολουθία τῆς*

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nence to the Apostolic foundation of the Alexandrian see, interpreting it as dependent on St. Peter, and as having been founded by his disciple. Peter had also been Bishop of Antioch before he went to Rome. The theory as proclaimed by the famous *Decretum Gelasianum* is manifestly artificial and does not offer an explanation for Alexandria's universal predominance over the Bishop of Antioch. It was not even echoed in those Eastern circles which would have profited by a diminution of the Bishop of Constantinople's authority.

So without ruling out the idea of Apostolic foundation, which may have played some part in elevating Alexandria and Antioch, other reasons must be found to explain fully canon six of Nicaea.

The original text of the canon provides no clue, but a Latin paraphrase which circulated in Italy and has been preserved in the Chieti manuscript is worth quoting:

"Ecclesia Romana semper habuit primatum. Teneat autem et Aegyptus Episcopus Alexandriae omnium habeat potestatem, quoniam et Romano episcopo, haec est consuetudo. Similiter autem et qui Antiochia constitutus est et in ceteris provinciis primatus habeant ecclesiae civitatum ampliorum," G. HEFELE and H. LECLERCQ, *op. cit.*, vol. I, 2 Appendix 6, p. 1152.

This paraphrase, which clearly underlines the Roman primacy, interprets, on the Roman model and on the basis of the importance of the cities involved, the primatial prerogatives instituted by the council. It is evidence that this interpretation was current during the fourth century and held some sway. Alexandria in fact was the first city of the East throughout the period before Constantine. It will suffice to mention the importance of the Christian School there to establish the prestige of the Christian community of Alexandria. As far as Antioch is concerned, Josephus speaks of its holding third position (*De bello III*, 3). J. MEYENDORFF, *op. cit.*, 467-469.

1. E. LANGE, 'Eglises locales et Patriarcats à l'époque des grands conciles,' in *Irenikon*, 1961, 300.

τιμῆς, but without diminishing the δξίωμα of the metropolis, Caesarea in Palestine. It would appear that the ancient tradition about Jerusalem had in fact encroached upon the δξίωμα of the metropolis of Caesarea, because the Bishop of Jerusalem had the ἀκολουθία τῆς τιμῆς.<sup>1</sup>

The Council of Nicaea did not merely ratify the privileges of the exarchs, but in canons four and five also defined the prerogatives of provincial councils and metropolitans.

In canon four, it prescribes that the bishop should be appointed and elected by all the bishops in the province, and only when this is difficult, or "because of dire need", or "the length of the journey", then at least three bishops of that province are to meet and proceed to an election and consecration, if those absent send written votes concurring with the procedure. Only the metropolitan of the province was recognized as having any authority over what took place. This canon provides a direct corporate responsibility uniting the bishops of each province. Furthermore, the metropolitan is deemed to have jurisdictional power over his bishops. This canon is not exclusive to the East, nor was it an innovation in the Christian world. Canon four repeats what had already been decreed by the Council of Arles of 314 in canon twenty when it demands:

Ἐπίσκοπον προσήκει μάλιστα μὲν ὑπὸ πάντων τῶν ἐν τῇ ἐπαρχίᾳ καθίστασθαι· εἰ δὲ δυσχερὲς εἴη τὸ τοιοῦτο, ἢ διὰ κατεπείγουσαν ἀνάγκην, ἢ διὰ μῆκος ὁδοῦ, ἐξ ἅπαντος τρεῖς ἐπὶ τὸ αὐτὸ συναγομένους, συμψήφων γινομένων καὶ τῶν ἀπόντων, καὶ συντιθεμένων διὰ γραμμάτων, τότε τὴν χειροτονίαν ποιεῖσθαι· τὸ δὲ κῦρος τῶν γινομένων διδοῖσθαι καθ' ἑκάστην ἐπαρχίαν τῷ μητροπολίτῃ.<sup>2</sup>

In canon five, Nicaea prescribes that the bishops of each province should assemble twice a year, before the beginning of Lent, and in the autumn. Ensuring the unity and corporate responsibility of the bishops, these two synodical meetings could confirm each other's resolutions, and make them irreversible. Later councils were to improve on this clearly deficient canon, of which the relevant section runs as follows.

... καθ' ἑκάστην ἐπαρχίαν δις τοῦ ἔτους συνόδους γίνεσθαι· ἵνα κοινῇ πάντων τῶν ἐπισκόπων τῆς ἐπαρχίας, ἐπὶ τὸ αὐτὸ συναγομένων, τὰ τοιαῦτα ζητήματα ἐξετάζηται . . . . . Αἱ δὲ σύνοδοι γινέσθωσαν, μία μὲν πρὸ τῆς τεσσαρακοστῆς . . . . . δευτέρα δέ, περὶ τὸν τοῦ μετεώρου καιρὸν.<sup>3</sup>

1. SOCRATES, *Ecl. Hist.*, II, 24.

2. G. RHALLS and M. POTLES, op. cit., vol. II, p. 122.

3. Ibid. p. 124.

In the four canons discussed above, the Council of Nicaea clearly laid down definite principles in ecclesiastical administration. Its prime consideration was given to the prerogatives of the Bishops of Alexandria, Antioch and "the other provinces." The administration of the Churches of Pontus, Asia, Oriens and Egypt had already been organized long before Nicaea, which merely codified a situation that already existed in practice.<sup>1</sup> The civil reorganization, although it occurred later, exerted an influence on the corresponding ecclesiastical administration.<sup>2</sup> The local churches were centred around the important secular cities like Alexandria, Antioch, Caesarea in Palestine, Caesarea in Cappadocia, Ephesus and the like, and thus followed the diocesan divisions imposed by the Roman Empire. The secular importance of the diocesan capital gave its bishop a distinctive position. The Palestinian churches were led not by the Bishop of the Apostolic see of Jerusalem, but by the Metropolitan of Caesarea. Antioch, the distinguished Apostolic see and cradle of the oecumenical Greek Christianity of the Eastern Roman Empire, did not take precedence over the Pope of Alexandria.

On the other hand it should be stressed that the secular importance of the various cities was not the only factor which determined the posi-

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1. E. LANNE, op. cit., pp. 295-296. C. HEFELE and H. LECLERCQ, op. cit., vol. I, 1, pp. 552-559. B. BOTTE, 'Presbyterium' and 'Ordo episcoporum,' in *Irenikon*, 1956, 22.

2. Towards the end of the third century, Diocletian divided the empire for the first time into large areas, called dioceses, which more or less coincided with the ecclesiastical exarchates. This happened not because the secular division took account of the ecclesiastical, but because the secular division was based on the same natural divisions as the ecclesiastical (B. STEPHANIDES 'Εκκλησιαστική Ιστορία pp. 280-281).

Under the Diocletian and Constantinian administrative system, each *provincia* was placed under a governor, who depending on his rank would either be a *proconsul*, a *consul* or a *praeses*. These provincial governors would function under the control of a *vicarius*, who would exercise administrative power over a larger administrative area made up of a large number of provinces, called a *diocesis*. These would all be subject to a *praefectus praetorii*, who would have under his authority the *vicarii* of the various dioceses and the provincial governors, and the area he administered would be called a *praefectura*.

This administrative system lasted until the death of Justinian in 565, after which it began gradually to be modified, until by the seventh century it had been entirely altered and replaced by the theme system (I. MISPOULET, 'Diocèses et ateliers monétaires de l'Empire romain sous le règne de Dioclétien,' in *Comptes-rendus de l'Académie des Inscriptions et Belles-lettres*, Paris 1908, p. 255 and A. ΠΙΠΕΡΚΟΝΙĆ, *Τὸ Ἰλλυρικόν καὶ τὰ ἐπ' αὐτοῦ δικαίωματα τῶν Ἐκκλησιῶν Ρώμης καὶ Κωνσταντινουπόλεως*, pp. 17-19).

tion in the hierarchy of the future patriarchal sees. There were other reasons, the most important of which was the more general authority in the Church possessed by these particular Christian communities. This authority was partly the result of these churches' being of Apostolic foundation. Yet did not the Apostles themselves when preaching the Gospel tend to go for the most part to the great cities of the Empire? It was there that ideas were exchanged, and there were important Jewish communities to form the proper soil for the Christian message.

The Fathers of Nicaea recognized the administrative status quo of the churches, as well as those privileges acquired during the course of time. For the Fathers, these were *ἔθνη*, *customs*; *ancient customs* as they called them. In accordance with these, they recognized the administrative status quo of the Churches of Alexandria and Antioch, and they upheld the prerogatives (*πρεσβεία*) of the Bishops of Caesarea in Cappadocia, Ephesus and Heraclea. As for the Apostolic Church of Jerusalem, they accorded its bishop the honour ascribed to it by *custom* and *ancient tradition*.

While the council generally based those of its resolutions dealing with administrative matters on *ancient customs* and on *usage*, it was mainly concerned with the requirements of ecclesiastical administration, as it had adapted itself to the secular governmental system.

The position of the bishop of the imperial capital was clearly outlined, yet the council made no mention either of him, or of the extent of his jurisdiction.<sup>1</sup> The Church of Constantinople quickly began to acquire importance in history, and the East as a whole began to take notice of it as a new spiritual centre, for Constantinople was inaugurating a new era in the history of Christian expansion.<sup>2</sup>

Recapitulating the conclusions of the last two chapters, it may

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1. Commenting on canons six and seven of Nicaea in his study of the patriarchal privileges, Balsamon writes: "The great throne of Constantinople . . . subject to the Perinthians (Heraclea), functioned under a bishop. For the great city was not yet called Constantinople, but was a small town named Byzantium. However, when divine mysterious providence caused the sceptres of the Empire to be transferred thither from Old Rome as from a wild olive to a cultivated olive, St. Metrophanes who was at that time in charge of the church of this throne was named archbishop instead of bishop. For this reason the first holy Oecumenical Council commemorated in the sixth and seventh canons the four patriarchs, Rome, Alexandria, Antioch and Jerusalem, but did not mention the Bishop of Constantinople" (G. RHALLER and M. POTLES, *op. cit.*, vol. IV, p. 542 f.).

2. P. POLAKES, *op. cit.*, pp. 17-21. J. HAJJAR, *op. cit.*, pp. 31-33.

be observed that the office of bishop was linked to the local community. The bishop is not an Apostle, but an officer who has received from the Apostles the specific charismatic task of leading the community. His essential functions are not, as were the Apostles', missionary, but sacramental and pastoral. He is not only Christ's symbol, but renders the presence of the Son so actual that the Body is present in the community: *ἐν πίστει καὶ ἀγάπῃ, παραινῶ ἐν ὁμονοίᾳ Θεοῦ σπουδάσατε πάντα πράσσειν, προκαθημένον τοῦ ἐπισκόπου εἰς τόπον Θεοῦ;*<sup>2</sup> "In faith and love, I urge you in Godly harmony to make every effort to do all things, with the bishop presiding in the place of God," as Ignatius of Antioch wrote around the year 100.

Over every Christian community, right from its foundation, *one* bishop presided. In one *τόπος*, one area, there is but one church, but one ecclesiastical organization, expressed in the unity of the hierarchy: *ἡ ἐκκλησία τοῦ Θεοῦ, ἡ ὁδὸς ἐν Κορίνθῳ*. It is from such ecclesiastical units dispersed throughout the civilized world that the history of the Church takes its origin. Although the local unit and its surrounding area later developed from the small church of one town to a province, and from the province to the larger area of the diocese, and from the diocese to the patriarchate, the same concept remained unaltered, with the same unchangeable central principle: one bishop forming one church in one place. It is this concept which the canons relating to the power of the bishop and to the restriction of this power among the bishops aim to strengthen in essence, rather than in the letter, when they call for the expression and embodiment of these ideas in the historical life of the Church. The reason for this is that the unity of the Church in each given place is itself the unity of the Church as a whole, the unity of those who have been born again to new life through Jesus, and for whom there is accordingly "one Lord, one faith, one baptism."<sup>3</sup>

Only one fundamental concept can therefore be admitted in the sphere of Church organization: that of the local church. The Church projects the supernatural unity in Christ as the only true division in the world and realizes this in its organization.

In the Old Testament, Israel was the "People of God". That is to say its religion was fundamentally a national religion, and all who ac-

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1. J. MEYENDORFF, *Orthodoxie et Catholicité*, p. 23.

2. *Magn.* VI, 1.

3. *Eph.* IV, 5.

cepted it had to become Jews "in the flesh", and be included in the Jewish people. The New Testament, on the other hand, revealed that this unique People of God foreshadowed the new spiritual Israel, the new nation of God, the Church. Circumcision had now no significance as the "debt of the flesh" to the nation in which "there is neither Jew nor Greek". The debt now was to the unity of the "Christian people".

The ecclesiastical government, in which *ἡ χάρις ἐστὶν ἡ τὸ πᾶν ἐργαζομένη*, inherited the "legal" government of the Synagogue. In the light of Christianity, the theocracy of Israel becomes merely the model for the Church founded by the incarnate Christ.<sup>1</sup>

We saw also that the basic concept of the *local church* lies at the root of the Church's catholicity and oecumenicity. The Greek word *καθολικός*, meaning primarily "all-inclusive", was adapted so as to correspond entirely with the Church, and refers not only to its "world-wideness", but also to the fact that each of its members is *καθολικός*, because its fulness is present in each local church.

Yet the ecclesiological *completeness* of each local *καθολικὴ ἐκκλησία* is by no means independent or separate from its unity with the other *καθολικαὶ ἐκκλησίαι*. This means that while we have in the world many "catholic churches", we have but one body, because Christ is not divided. The Eucharist and the Church are one in outcome and essence, "even though the tabernacles of the congregations may be in different places" (Council of Antioch, 325). For this reason, if a church is not united with the other catholic churches that form the one Body of Christ throughout the world, it cannot continue to be the Church of God.<sup>2</sup>

This is the theory behind the synod as a necessary institution. When the Church put this into practice during the first three centuries, synods were called which gave expression to the *κοινὴ ἐνωσις* (*common union*).<sup>3</sup> Consequently the Council appeared at this period as the supreme means of ascertaining the *κοινὴ ἐνωσις* of the local churches in one body.

While the concept of the local church was the prime yardstick of ecclesiastical organization, organically deriving from the very nature

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1. A. SCHMEMMANN, 'Tserkov i Tserkovnoje Oustrojstvo,' in *Messenger de l'Exarchat du Patriarche russe en Europe occidentale*, XV, Nov. 1948, 8-11. K. MOURATIDES, 'Ἡ οὐσία καὶ τὸ πολίτευμα τῆς Ἐκκλησίας κατὰ τὴν διδασκαλίαν Ἰωάννου τοῦ Χρυσοστόμου', p. 91 f., and *Σχέσις Ἐκκλησίας καὶ Πολιτείας*, vol. I, p. 51.

2. I. ZEZIOULAS, op. cit., p. 199.

3. Eusebius' expression for the councils held to settle the controversies over the date of Easter.

of the Church, the way in which it was realized in history was different and related to the changing conditions of life.<sup>1</sup>

The first stage in this process was the union of the local churches in areas varying in size. At the same time the hierarchy of senior and junior sees came into being. Originally Christianity was consolidated in the great cities of the Roman Empire, but later new communities started to grow up around these first centres, with their own bishops, preserving their connection with the mother church, from which they took their clergy, the "rule of faith", and liturgical tradition. Thus, as early as the period of the persecutions, natural ecclesiastical unions, or provinces, were formed, in which the bishop of the senior church was called metropolitan. It was he who consecrated the newly elected bishops of his province. Twice a year he presided at provincial episcopal synods and emerged as judge in differences between the bishops or in complaints laid against them. Afterwards the metropolises were united around the oldest sees, or around the churches situated in the capitals of the secular dioceses, such as Rome, Alexandria, Antioch and the like. These bishops were later called patriarchs.

The rapprochement between the Empire and Christianity was natural, and was clearly reflected in the life of the Church. As the Roman Empire regarded itself as Christian and its subjects became members of the Church, it was natural that the latter should adapt its organization to the administrative system of the state.<sup>2</sup>

The Council of Nicaea mostly accepted the secular importance of the various cities as a canonical principle, but at the same time took into equal consideration what it called *ancient custom*. For the most part, the secular capital of the province was considered to be the *mother church* or metropolitan see, but it must be borne in mind that this secular metropolis was nearly always the oldest and most distinguished Christian see, given that the first Christian missionary activity took place in the large cities. Nevertheless the bishops of certain ancient sees were still considered metropolitans, even when the towns concerned were not provincial capitals. This occurred, for instance, in the province of Caria, in 325; the secular capital was Aphrodisias, but the ecclesiastical metropolis was Antioch (Antiochia ad Maeandrum). By the middle of the fourth

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1. A. SCHMEMMANN, 'Tserkov i Tserkovnoje Oustrojstvo,' in *Messenger de l'Exarchat du Patriarche russe en Europe occidentale* 1949 (March) p. 11.

2. Y. T. STROTMANN, 'L'Evêque dans la tradition orientale,' in *Irenikon* 1961, 156.



century, however, Aphrodisias was both ecclesiastical and secular metropolis.<sup>1</sup> A similar situation occurred in Cyprus, where in 325 the secular metropolis was Paphos, the ecclesiastical metropolis Constantia (Salamis). By the middle of the fourth century, Constantia was the metropolis for both Church and State.<sup>2</sup>

The metropolitan system in general could clearly not satisfy all the bishops. This included even the most important amongst them, whose general ecclesiastical authority was extended beyond the limits of the secular province. The council dealt with this problem on an individual basis. Rome, Alexandria and Antioch, as is well known, had great authority in their respective areas, as Jerusalem had in all the local churches throughout the Empire. Rome, Alexandria and Antioch had secular importance as well, while Jerusalem had lost its former secular status. The Council of Nicaea could not overlook the great ecclesiastical authority of these sees, which it not only recognized and confirmed, but also codified as a legal right in canon six.<sup>3</sup>

This development is distinctive, in that it reflects the law governing the development of ecclesiastical organization, by which the Church follows history and consciously and systematically adapts its organization to the pattern of the world in which it lives. Nevertheless, in so adapting, it does not change the basic concept of the local church, for this, being bound to the very essence of the Church, cannot depend on external, historical circumstances. Whatever changes there may be in the administrative arrangement of the churches, in seniority, in the synodical system and the like, the concept of the local church remains unchangeable, as the root from which all the various forms of ecclesiastical organization derive. The canonical activity of the later councils, both local and oecumenical, also derived from this concept. This activity was integrally concerned with the preservation and protection of Church order, "so as not to bring confusion on the churches" (canon two of the Council of Constantinople). The concept is again behind the canon which prohibits the existence in one city of two bishops, those canons which allow the translation of clergy from one pro-

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1. J. MANSI, III, 569. LE QUIEN, *Oriens Christianus*, I, p. 900.

2. M. TREPPNER, *Das Patriarchat von Antiocheia, von seinem Entstehen bis zum Ephesinum*, p. 192. J. MEYENDORFF, op. cit., pp. 52-3. B. PHEIDAS op. cit., p. 54, n. 7.

3. P. GIDULIANOV, *Mitropoliti v pervye tri veka khristianstva*, pp. 359-364. J. MEYENDORFF, *Orthodoxie et Catholicité*, p. 56. B. PHEIDAS, op. cit., pp. 54-55.

vince to another, and those which prescribe that "no one is to be ordained *at large* . . . only to a particular charge in a city, or in the country," and others. <sup>1</sup>

All these canons, understood historically and ecclesiologically, protect the same fundamental fact of ecclesiastical life, which demands that the faithful living in one place and tended by the God-given authority of one bishop should be an organic unity and enshrine in their area the catholic and oecumenical essence of the Church. <sup>2</sup>

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1. Cf. canons 5, 6, 10 and 16 of Chalcedon, 20 of the Council in Trullo, 9, 15 and 22 of Antioch and 12 of Sardica.

2. A. SCHMEMMANN, *op. cit.*, p. 12.

### Chapter Three

## THE STATUS AND PREROGATIVES OF THE BISHOP OF CONSTANTINOPLE

#### *Historical Premises.*

After the victory at the Mulvian Bridge of the twenty-eighth of October 312, which established Constantine as Emperor of the West, he was faced with the Donatist Schism, with its serious repercussions on the state of the Catholic Church in Africa. On becoming sole Emperor in 324, he was confronted with the problem of the Arians and the Meletians. He resolutely pursued a pro-Christian policy on both occasions. His outstanding abilities as an emperor enabled him to perceive not only how the Christian religion was flourishing, but also to detect its spiritual, moral and social strength, rooted in its unity in Christ. In 325, the Council of Antioch proclaimed: "The Catholic Church is one body everywhere, even though the tabernacles of the congregations may be in different places." Considerations of unity and peace were paramount in Constantine's mind. When the Catholic Church came to be reconciled with the thriving Greek culture of the time and took over some of its vital elements, it succeeded in concentrating in itself those forces of ethical and social welfare which existed throughout the Empire. The failure of Diocletian's reforms led Constantine to draw both positive and negative conclusions. He decided that the unity of the Roman Empire should rest upon the unity of the Catholic Church of Christ, which would provide the state with a spiritual dimension. His resolve to lead the Roman Empire from a position of religious toleration to full reconciliation with Christianity ultimately involved the Christianization of the Roman Empire as a whole. The final concord of Greek culture, Christianity and the Roman Empire, centred on the new capital which had been founded as a Christian city, was the achievement of Constantine, the founder of the Byzantine Empire.

Constantine's policy and the foundation of Constantinople mark a turning point in world history, and in the history and life of Christianity, but it was above all the East which was affected. An important new factor entered the history of the Catholic Church—the State. New condi-

tions were created in the Catholic Church of the fourth century which permitted further historical progress and development.<sup>1</sup>

*A New Centre for the Churches of the Eastern Empire.*

Once the new capital was founded, its bishop automatically acquired a special place in the Church hierarchy, and his opinion on ecclesiastical questions carried considerable weight. Historical events were already turning the attention of the orthodox world of the East to the new ecclesiastical centre of the Empire. This was entirely natural. When Constantinople became the centre of the world-wide Empire, it naturally also became the centre of the world-wide Church. Just as there were two Empires with two capitals, Rome and Constantinople, there were also two ecclesiastical centres. The formation of a special ecclesiastical centre in the East had been prepared and developed in the minds of the inhabitants of the Eastern Empire, particularly those of Constantinople. St. Basil writing to Eusebius of Samosata, calls the Bishop of Rome *κορυφαῖος*—head—of the West.<sup>2</sup> Gregory of Nazianzus, delivering a sermon to the Constantinopolitans in 380, said: "You, the great city, the first after the first (Rome), immediately after, or maybe it is not even necessary to make this restriction."<sup>3</sup> John Chrysostom, speaking in Constantinople, and as it were supplementing what was said by Gregory, added ecclesiastical reasons to the secular: "Is it the city of the Apostles which does these things, the city which received so great an expounder of the faith?"<sup>4</sup> The reference is to St. Andrew.

Hesychius of Jerusalem expanded and developed what Chrysostom said, lavishing extravagant praise upon St. Andrew:

The first-born, the first pillar of the Church to be fashioned, the Peter before Peter, the foundation of the foundation, the origin of the origin.<sup>5</sup>

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1. G. KONIDARES, *Ἡ διαμόρφωσις τῆς Καθολικῆς Ἐκκλησίας μέχρι τῶν ἀρχῶν τοῦ ε' αἰῶνος*, pp. 52-53. H. G. OPITZ, *Athanasius Werke* III, 1. *Urkunden zur Geschichte des Arianischen Streits*, p. 36. G. OSTROGORSKY, *Geschichte des Byzant. Staates*, p. 22. E. SCHWARTZ, *Kaiser Konstantin und die christliche Kirche*, pp. 1-10. D. ZAKYTHENOS, *Βυζάντιον*, p. 29 f.

2. *Ep.* 239 (A.D. 376).

3. *Oratio* 36, 12, PG XXXVI, 280 (A.D. 380).

4. PG LVI, 264.

5. The question of the Apostolic foundation of the Church of Constantinople is discussed at length and in some detail by Gennadius, Metropolitan of Heliopolis and Thira, *Ἱστορία τοῦ Οἰκουμενικοῦ Πατριαρχείου*, pp. 12-22. Metropolitan Gennadius considers that the tradition mentioned by Eusebius cannot be mistaken. This trad-

The creation of an ecclesiastical centre in the East was no longer in the preparatory stage; it had already begun. This is clear from the Resident Synods which took place in Constantinople.<sup>1</sup> The bishops staying in Constantinople for these synods made the bishop of the capital a party to the questions of their own provinces. They would ask him to

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ition has St. Andrew preaching on the European shores of the Black Sea, and Metropolitan Gennadius is of the opinion that Byzantium cannot be excluded from this area. He believes that the idea that the Church of Byzantium was founded by an Apostle of the Lord was entertained by the Byzantines even before the reign of Constantine, and he gives a whole list of unimpeachable historical evidence stretching from Chrysostom to modern historians and even including Latin writers, testifying to a long tradition which regarded St. Andrew the first-called Apostle as the founder of the Byzantine Church. This tradition does not seem to be shaken by Dvornik in his book *The Idea of Apostolicity in Byzantium and the Legend of the Apostle Andrew*. Dvornik regards it as possible that this tradition goes back to the time of Constantine, but he unhesitatingly rejects its having any authenticity. Cf. B. STAVRIDES, 'Prerogatives of the Byzantine Patriarchate,' in *Orientalia Christiana Analecta* CI, 1968, 42-43.

1. Apart from the annual provincial synods, there were also the *Ἐνδημοῦσαι Σύνοδοι*, *Resident Synods*. In Antioch, these appeared during the Arian struggles of the fourth century. A resident synod is mentioned as having taken place in Alexandria when Athanasius, either before 340 or c. 346, consecrated Frumentius Bishop of Abyssinia: "Athanasius summoned the resident priests and took counsel on the subject" (SOZOMEN, *Eccl. Hist.* II, 4, 10). Synods of this kind were certainly held elsewhere, but the Resident Synods of Constantinople acquired a special importance. Following the dedication of Constantinople, a Resident Synod of the new capital is cited as having taken place in 336. In that year Paul was consecrated Bishop of Constantinople by the bishops resident in the city (Ibid. II, 4, 10). Marcellus of Ancyra was deposed by the "bishops present in Constantinople" and Basil elected in his place (SOCRATES, *Eccl. Hist.* I, 36, 7 & 8). When Theodosius the Great entered Constantinople in 380, he received a visit and expression of reverence from the "resident bishops" (SOZOMEN, *op. cit.*, VII, 6, 4). At the Council of Chalcedon, Anatolius of Constantinople mentioned resident synods: "Long-established custom has bound the most holy bishops resident in the great city whenever there is occasion to meet to discuss whatever ecclesiastical matters arise. They settle them and agree on an answer for the plaintiffs" (J. MANSI, VII, 92). The Resident Synod of Constantinople met whenever necessary; the bishops who happened to be staying in the capital, *οἱ ἐνδημοῦντες ἀρχιερεῖς*, would take part.

Bishops from the other Eastern autocephalous churches who were staying in Constantinople would also participate in these synods, and their authority as a result took on a wider significance. When the other Eastern patriarchates came under Arab suzerainty (632-661), they ceased to have continuous official communication with the Patriarchate of Constantinople. From then on, only the bishops of the Constantinopolitan Patriarchate took part in the Resident Synods there (B. STEPHANIDES, *Ἐκκλ. Ἱστ.*, pp. 301 and 182 and J. HAJJAR, *op. cit.*, pp. 21-31).

intercede with the Emperor and would take his advice on various ecclesiastical questions. The Resident Synods centred around the Bishop of Constantinople in effect prepared him for his oecumenical rôle.

Constantine himself recognized the distinct importance of the Bishop of Constantinople. When he recalled Arius from exile, having apparently been misled into thinking that the heresiarch was orthodox, he invited Bishop Alexander of Constantinople to receive the presbyter back into communion.

Gelasius has preserved a fragment of Constantine's letter to Alexander, which runs as follows:

εἴπερ οὖν τῆς ἐν Νικαίᾳ ἐκτεθείσης  
ὁρθῆς καὶ ἐσαεὶ ζώσης ἀποστολικῆς  
πίστεως ἀντιποιουμένους αὐτοὺς εὔρητε—  
τοῦτο γὰρ καὶ ἐφ' ἡμῶν φρονεῖν διαβε-  
βαιώσαντο—προνοήσατε πάντων, παρα-  
καλῶ.

So if you have found that they do  
oppose the true and ever-living Apo-  
stolic faith set out at Nicaea—for  
they have certified to us that they  
think in this way—beware of all of  
them, I beg.<sup>1</sup>

It is possible that the plural εὔρητε, . . . προνοήσατε allows the conclusion that Constantine was addressing, through Alexander, a group of bishops—the synod gathered around him. The Emperor on the other hand was aware that Arius had been anathematized by the Oecumenical Council, and that no orthodox bishop or group of bishops could communicate with him.

Alexander's opinion carried particular weight. As a result, he became involved in a hard struggle against the claims of the Eusebian circle, and they made serious threats to attempt to force him to resign.<sup>2</sup>

Alexander and the bishops around him, the synod, that is, did not comply with Constantine's command, nor were they able to take a different stand against Eusebius and Theognis of Nicaea. These, as is well known, accepted the creed of Nicaea, but did so without enthusiasm, objecting to the word *ὁμοούσιος*. They did not sign the personal excommunication of Arius, and were sent into exile in Gaul by Constantine. It is unknown whether this was the result of a synodical resolution. The action of Euse-

1. CERIANI, *Monum. Sacra*, vol. I, p. 145. The authenticity of this fragment is in doubt, as it is addressed to Alexander, Bishop of Alexandria. Loeshke thinks it is genuine, but Duchesne believes that it was originally addressed simply "to Bishop Alexander" and that its position in the collection excludes the possibility of its being addressed to the predecessor of Athanasius (*Histoire ancienne de l'Eglise*, vol. II, p. 183, n. 2).

2. SOCRATES, *Eccl. Hist.*, I, 37: "Alexander was involved in a very severe struggle, in particular because Eusebius of Nicomedia was menacing him greatly."

bishop and Theognis was such that they were anathematized without further trial. Hence their contention that they were condemned *πρὸ κρίσεως*,<sup>1</sup> "without a hearing", was groundless. Probably the orthodox bishops explained the consequence of the two bishops' action to Constantine, who proceeded to exile them.<sup>2</sup>

After the recall of Arius, these two exiled bishops considered the time ripe to press for their own recall. They wrote a "book of repentance", and addressed it to the "chiefs of the bishops".<sup>3</sup> The two contended that their condemnation was the work of "slanderers", in that they had signed the faith of Nicaea, but had not subscribed to the anathematizing of Arius, not being convinced of his heresy. They confessed that they were *σύμψηφοι*, holding the same opinion as that decided by the orthodox, but that they hoped that the bishops would show charity (*φιλανθρωπία*) and recall them from exile.

The expression in the letter, "but if your holy council were convinced", and the statement in Eusebius' *Vita Constantini* that the Emperor called the bishops and again interceded with them<sup>4</sup> have led to the belief that Constantine convoked the Council of Nicaea for a second time. This view is based on conjecture,<sup>5</sup> and is not supported by historical fact.<sup>6</sup> These quotations from the *Vita Constantini* are general expressions. The "book of repentance" was sent to bishops who quite clearly took part in the Council of Nicaea. Those of them that were resident in Constantinople would examine the matter in synod, but it was the will of the Emperor which was paramount.

The bishops that returned from exile at the end of 328 "drove out" those who had been consecrated in their place after their deposition, and took over their sees. They were encouraged in this by imperial favour.<sup>7</sup>

1. SOCRATES, op. cit., I, 14.

2. According to B. STEPHANIDES, "Ἡ ἐκ δευτέρου, τῷ 327, σύγκλησις τῆς ἐν Νικαίᾳ Α' Οἰκουμενικῆς Συνόδου 325," in *Ἑπετηρίς Βυζαντινῶν Σπουδῶν*, VI, 1929, 45-53, a resident synod in Nicomedia "would appear" to have deposed both. Cf. POLAKES, op. cit., p. 56, n. 2.

3. SOCRATES, op. cit., I, 13. According to SOZOMEN (op. cit., II, 16) "to the bishops." Objections have been raised to the authenticity of this book. Cf. STEPHANIDES, op. cit., p. 49.

4. EUSEBIUS, *Vita Constantini* III, 23.

5. Cf. B. STEPHANIDES, *Ἑκκλ. Ἱστ.*, p. 165.

6. P. POLAKES, op. cit., p. 56.

7. SOCRATES op. cit., I, 14 & 23. SOZOMEN, op. cit., II, 16.

The Eusebian circle was already strong enough to impose its own ecclesiastical policy. After the anti-Athanasian council held in Tyre in 335 and Constantine's stern letter inviting the bishops meeting in Tyre to Constantinople, they met in synod to examine the question of Marcellus of Ancyra. The entourage of Eusebius were hostile to Marcellus. He maintained that "the Son of God took his origin from Mary, and his kingdom will have an end."<sup>1</sup> Yet according to Athanasius, he was not consciously a heretic.<sup>2</sup> "In the course of his researches," he slipped into such beliefs. Nevertheless, the synod of bishops which met in Constantinople in 336 deposed him.

The importance of the Church of Constantinople increased rapidly. It was only a few years before its bishop came to occupy a prominent place in the hierarchy. Sozomen includes "the imperial city by the Hellespont" amongst "the most important thrones, Alexandria in Egypt, and Antioch in Syria."<sup>3</sup> This special importance is illustrated by two factors: the struggles to occupy the see exemplified by the fierce rivalry between Arians and orthodox in the election of Alexander's successor,<sup>4</sup> and those cases where bishops, sometimes even metropolitans, unhesitatingly abandoned sees which were distinguished, but distant from the capital, so as to transfer to the Constantinopolitan see.<sup>5</sup> We shall come back to this subject.

#### *The Extent of Constantinople's Jurisdiction:*

##### *1. Under Eusebius of Nicomedia.*

Shortly before his death, Bishop Alexander is said to have proposed two candidates to succeed him on the throne of Constantinople: Paul, a presbyter who was young, but intelligent and well-read, and the aged deacon Macedonius. There was intense personal rivalry between the two men. The Arian party of Eusebius behaved in an underhand way: Paul, who was the subject of jealousy because of his rhetorical prowess, was regarded by his enemies "as not having lived well, and to have devoted his time to luxury and a corrupt life."<sup>6</sup>

1. Ibid. II, 33. SOCRATES, *op. cit.*, I, 36.

2. ATHANASIUS, *Apologia contra Arianos* XLVII, PG XXV, 32.

3. SOZOMEN, *op. cit.*, III, 7.

4. P. POLAKES, *op. cit.*, p. 57.

5. R. JANIN, 'La formation du Patriarcat oecuménique de Constantinople,' in *Echos d'Orient* XIII, 1910, 136-138.

6. SOZOMEN, *op. cit.*, III, 3.



The fact is that Eusebius, having previously succeeded in being translated from Berytus (Beirut) to Nicomedia, now "cast envious eyes" upon the see of Constantinople, and "wanted to snatch it."<sup>1</sup> Nevertheless, the orthodox party was still strong, Paul triumphed, and was consecrated by the bishops "resident in the city."<sup>2</sup>

The fact that the bishops resident in Constantinople took part gave this election a quite special character, because these bishops, coming from different provinces of the Empire, were people exercising considerable influence. The election became no longer a local matter, concerning merely the Church of Constantinople, but acquired universal importance, provoking the interest of all the bishops of the Empire.<sup>3</sup>

The election of Paul was a double process. The senile ambition of Macedonius was affected by the failure, and while otherwise devout, he retaliated by stirring up whatever slanders he could find against Paul. This did not, however, prevent his remaining in communion with the new bishop.<sup>4</sup> Constantius, who was not well-disposed towards the Homoousians, was taken in by these allegations.

At the same time, Eusebius of Nicomedia and Theodore of Heraclea were disputing the validity of Paul's consecration, maintaining that it had taken place without their consent. They held that as neighbouring bishops, one of whom was Metropolitan of Thrace, and the other bishop of a city which had been used as imperial headquarters, they were directly concerned with the election.<sup>5</sup> The prerogative they were propounding was non-existent. Constantinople was already the capital of the Empire and the seat of the Christian Emperor, and its bishopric was consequently supreme. This was recognized by the bishops, and made superfluous the opinion of the Bishop of Heraclea, who in any case was an Arian.<sup>6</sup>

Constantius' wrath was aroused by the ingenuity of the plot. When he reached Constantinople, he summoned a *συνέδριον*, a meeting of Arian bishops which deposed Paul, and in 338, or early 339, Eusebius emerged

1. ATHANASIUS, *Historia Arianorum* VII, PG XXV, 701.

2. SOZOMEN, op. cit., III, 3.

3. P. POLAKES, op. cit., p. 58.

4. ATHANASIUS, op. cit., col. 701: "For Macedonius, who had accused him . . . has communicated with him, and he was a presbyter under Paul himself."

5. SOZOMEN, op. cit., III, 3: "Against the wishes of Eusebius of Nicomedia and Theodore of Heraclea in Thrace, who as neighbouring bishops had an interest in the consecration."

6. P. POLAKES, op. cit., p. 58-59.

as Bishop of Constantinople, thus succeeding in illicitly satisfying his ambition.<sup>1</sup>

During the dedication festival of the Church in Antioch which Constantine had founded, Eusebius, as Bishop of Constantinople, convoked a council against Athanasius, who had returned from exile to Alexandria on the twenty-third of November, 337.<sup>2</sup> A presbyter and two deacons were dispatched to Rome to inform Pope Julius of the resolutions taken by the Council of Tyre about the "just deposition" of Athanasius.<sup>3</sup>

Julius summoned both Athanasius and the Eusebian circle to Rome, so that the charges could be examined in council. Eusebius knew the favourable disposition of the West towards Athanasius and not wanting to accept a diminution of the validity of the Councils of Tyre and Antioch by their resolutions' being "re-examined" in Rome, he did not accept Julius' challenge. The Council of Rome upheld Athanasius, and with him Paul, Asclepas of Gaza, Marcellus of Ancyra and Lucius of Hadrianople. Letters containing the western council's resolution were delivered to Eusebius and his entourage, but they "took the reproach as an insult,"<sup>4</sup> and in a letter to Julius declared that they did not recognize his having the prerogative of reinstating bishops deposed by their council. They had not, after all, interfered in the case of Novatian.

Julius' long answer adhered to the principle that ecclesiastical questions of a universal character must be examined by the Universal Church and not unilaterally, because unilateral decisions have no force and are suspect.<sup>5</sup>

## 2. *Under Macedonius.*

Julius' letter arrived after the death of Eusebius, which occurred in 341 or early 342. Subsequent events indicated that the Arians were aiming to impose a bishop of their own party on Constantinople and were prepared to go to any lengths to achieve this. The orthodox people of the city brought Paul *αὐθις εἰς τὴν ἐκκλησίαν*. In spite of this, the seven Arian bishops who were partisans of Eusebius consecrated Macedonius

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1. R. JANIN, *op. cit.*, pp. 136-138. S. VAILHE, 'Constantinople, Eglise de Constantinople,' in DTC vol. III, col. 1319.

2. J. HAJJAR, *op. cit.*, p. 40. L. DUCHESNE, *op. cit.*, II, 196.

3. THEODORET, *Ecd. Hist.*, II, 4. SOCRATES, *op. cit.*, II, 11.

4. *Ibid.* II, 16.

5. P. POLAKES, *op. cit.*, p. 60.

Bishop of Constantinople. This split caused violent incidents, and Constantius ordered the army commander of Thrace, Hermogenes, to expel Paul by force. The orthodox people revolted, Hermogenes' house was burnt, and he was murdered, along with many others. Constantius moved quickly from Antioch to Constantinople, exiled Paul, and punished the inhabitants of the city by depriving them of their daily corn ration. He did not recognize Macedonius' consecration, as it had been performed without his consent, but he allowed him to celebrate in the church in which he had been consecrated.<sup>1</sup>

Apparently Paul managed to hide within the city and to regain his see after Constantius' departure for Antioch, because when the Emperor was informed in Antioch about Paul's action, he ordered the procurator Philip to expel Paul from the Church, and to install Macedonius. Macedonius' name was by now linked with the heresy of the Pneumatomachi. When he took over the see of Constantinople he began a fierce struggle and persecution against the orthodox—the Homoeousians—apparently so as to curry favour with Constantius, who had been led to believe that the word *ὁμοούσιος* was the root of all evils, as it does not appear in Holy Scripture. The Emperor accepted Macedonius' suggestions for the imposition of Arian doctrines, and these gave legal protection and military backing to the measures against the orthodox. The persecution was merciless, the Orthodox not merely being driven from their churches, but even being forced to leave the towns, Constantinople in particular.<sup>2</sup>

The extent of the Bishop of Constantinople's power at this period is remarkable. The Bishops of Cyzicus and Nicomedia, both near the capital, now came under Constantinople's jurisdiction. Macedonius nominated bishops for both these important sees: he appointed Eleusius Bishop of Cyzicus, and Marathonius Bishop of Nicomedia.<sup>3</sup> Following the policy of always bending to those in authority,<sup>4</sup> Macedonius feigned agreement with Constantius' beliefs in the hope of realizing his ambitions more easily. His rôle in the heresy of the Pneumatomachi is disputed. The seventh canon of the Council of Constantinople, where the Pneumatomachi are labelled "Macedonians", is seen as having been inserted into the collection of canons of this council about eighty years

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1. SOCRATES, *op. cit.*, II, 13, SOZOMEN, *op. cit.*, III, 7.

2. P. POLAKES, *op. cit.*, pp. 61-62.

3. J. HAJJAR, *op. cit.*, p. 40. GENNABIUS of Heliopolis and Thira, *op. cit.*, p. 106. S. VAILHE, *op. cit.*, col. 139.

4. SOCRATES, *op. cit.*, III, 25.

later. It is true that in the first canon of the same council, the term "Macedonians" is not used, but rather Pneumatomachi. Zonaras and Balsamon note at the beginning of their commentary on this canon that "the second Oecumenical Council was convoked against Macedonius, and those that held his belief: that the Holy Ghost is a creature, and not God, nor *ὁμοούσιος* with the Father and the Son. This canon calls them semi-Arians, in that they shared partially the heresy of the Arians . . ." (Zonaras): "This holy, second Oecumenical Council was called together against Macedonius, and those in agreement with him . . ." <sup>1</sup> It would appear that Macedonius did hold these views, but that he meticulously refrained from displaying them. If this were not the case, the term "Macedonians," which began to prevail from 380 onwards, would remain inexplicable. <sup>2</sup>

Constantius, it is established, had resolved to summon an Oecumenical Council that would promulgate a unique, unrivalled confession of faith. Later, however, he came to favour the plan that the orthodox of the West should meet at Ariminum in Italy, while the Arians of the East met at Seleucia. In this latter synod, which took place in 359, Macedonius was placed with the party of Basil of Ancyra, Eleusius of Cyzicus, Sylvanus of Tarsus and Cyril of Jerusalem. Eleusius and Sylvanus moved that only the statement of faith that had been approved by the "festal" Council of Antioch of 341 should be accepted. One hundred and five bishops out of a total of one hundred and fifty were found to be in favour of this proposal: Acacius of Caesarea in Palestine with his entourage of nineteen withdrew from the assembly. While the statement of Antioch was being signed by the hundred and five, Acacius and his group, who comprised about a third of the Homoeans and those who were suspected of being so, presented the representative of the Emperor with a declaration agreeing with the creed of Sirmium. They rejected both the *ὁμοούσιος* and the *ὁμοιούσιος*, and accepted that the Son "is like (*ὅμοιον*) the Father who begot Him, according to the scriptures." <sup>3</sup>

In spite of two days of discussions, however, no agreement was reached on this declaration. The entourage of Acacius kept aloof from the assemblies, and the majority, after it had re-established Cyril of Jerusalem and had deposed Eudoxius, Acacius and various others, resolved that

1. G. RHALLES and M. POTLES, *op. cit.*, vol. II, pp. 165-167.

2. GENNADIUS of Heliopolis and Thira, *op. cit.*, p. 106 and P. POLAKES, *op. cit.*, p. 63.

3. ATHANASIUS, *De Synodis Arimini* XXX, PG XXVI, 748.

a deputation of ten bishops should advise the Emperor of the resolutions.

Meanwhile, those in Ariminum held fast to the creed of Nicaea. Constantius, however, was inclined to the Homoean party of Acacius, who had been present in sufficiently large numbers in Constantinople at the right time, and the delegates of the Synod of Ariminum were compelled to sign the creed of the Homoeans at Nice in Thrace.

Meanwhile, the representatives from Seleucia attempted without success to reveal Eudoxius' fickleness and in their letter to the Westerners tried to forewarn them against the untrustworthiness of the Acacian party. Constantius wanted to celebrate the tenth anniversary of his accession on the first of January with ecclesiastical reconciliation. On the night of the thirty-first of December, he had succeeded in gaining the assent of the delegates from Seleucia to the creed of the Homoeans, which the Synod of Ariminum had already accepted. To make this official, he convoked a synod in Constantinople in early January 360. About fifty bishops from Bithynia and Thrace were present, including the old defender of Arius, Bishop Maris of Chalcedon, who had been at the Council of Nicaea, and Ulfila, Arian bishop of the colony of Goths by the Danube. Acacius directed the work of the synod. After ratifying the creed formulated at Ariminum, it proceeded to condemn the bishops of the opposing party. The first to be deposed, according to Socrates,<sup>1</sup> was Macedonius, "as being the cause of many murders," and because he "received into communion a deacon convicted of fornication."

As far as can be established, shortly after his deposition Macedonius died in the outskirts of Constantinople, where he had retired.<sup>2</sup>

### 3. *Under Eudoxius.*

Socrates writes: "After Macedonius had been deposed, Eudoxius, who had been Bishop of Antioch, was proclaimed Bishop of Constantinople, and the party of Acacius enthroned him."<sup>3</sup> The new bishop of the capital had been a pupil of the martyr Lucian. On account of his Arian beliefs, Eustathius of Antioch had refused to accept him in the ranks of the clergy,<sup>4</sup> but later the Arian bishops gave him the see of Germanicia.

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1. SOCRATES PG LXVII, 352.

2. P. POLAKES, *op. cit.*, pp. 64-65. GENNADIUS of Heliopolis and Thira, *op. cit.*, p. 73.

3. SOCRATES, PG LXVII, 352.

4. ATHANASIUS, *Historia Arianorum* IV, PG XXV, 700.

He had been present at the "festal" Council of Antioch in 341 and in 344 he went to the West with the bearers of the "lengthy creed" of Antioch. In 357 he was at the extreme Arian Synod in Sirmium, which drew up the so-called second creed of Sirmium.<sup>1</sup> When he was in Rome, he learnt of the death in 358 of Leontius of Antioch and succeeded in "deceitfully" persuading Constantius to allow him to return to Germanicia. He altered course and went to Antioch and thanks to the collaboration of the imperial eunuchs took over there as bishop. Eudoxius favoured the Anomoeans, having received into his entourage Aetius, known as "the atheist", and Eunomius, the speculative theologian of neo-Arianism.<sup>2</sup> This provoked the reaction of the moderate Arians, and particularly of George of Laodicea, who aspired vainly to the see of Antioch.<sup>3</sup> During the dedication of a church in Ancyra, the Bishop, Basil, gathered the visiting bishops into a synod and addressed a long letter in the synod's name to all the bishops of the Church,<sup>4</sup> underlining the great danger presented by the Anomoean heresy. The synod sent Basil, Eustathius of Sebastia and Eleusius of Cyzicus to Sirmium to submit to Constantius the synodical resolution to accept the *ὁμοιούσιος*.<sup>5</sup> The synod took place after Easter 358.

Meanwhile Eudoxius was by no means idle. He had hurriedly sent the presbyter Asphalus, a partisan of Aetius, to Constantius, from whom he succeeded in obtaining letters supporting Aetius. The facts are somewhat confused and historical elucidation is by no means easy. Constantius appears to have favoured the Anomoeans and to have confirmed Eudoxius' installation in Antioch. On the other hand, when the deputation from Ancyra revealed their views, Constantius hurriedly tried to retrieve the letters he had sent and wrote another very stern letter to the Antiochenes against Eudoxius. He ascertained that Eudoxius had occupied the see of Antioch without his consent and wrote a furious indictment against those who "leapt from see to see" in the hope of gain.<sup>6</sup>

Eudoxius did not come from us; let noone think he did. We are far from associating with such men. If they insinuate this amongst other things, it is quite clear that they are indulging in monstrous fabrications. For from what would

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1. ATHANASIUS, *De Synodis* XXVIII, PG XXVII, 741.

2. P. POLAKES, op. cit., p. 68.

3. SOZOMEN, op. cit., I, 13.

4. EPIPHANIUS, *Adversus Haereses*, 2-11.

5. SOZOMEN, op. cit., I, 13.

6. P. POLAKES, op. cit., p. 67.

such men abstain willingly, when for the sake of power they invade cities, leaping from one to another like migrants and going to any lengths to get more? They are spoken of as vagabonds and cheats whom it is wrong even to name; they are an evil and impious gang.<sup>1</sup>

The political intrigues made Constantius' anger even worse, and Eudoxius judged it prudent to retire to Armenia.<sup>2</sup>

In the Synod of Seleucia, he had been with the party of Acacius. He had come to Constantinople with Acacius and had taken part in the synod which confirmed the creed accepted by the bishops in Ariminum. Eudoxius thus appears to have discarded his extreme Arian position on the *ἀνόμοιος*, to have accepted the *ὁμοιος* and to have condemned Aetius.<sup>3</sup> It was thanks to such opportunism as this that he attracted Constantius' favour, and managed to occupy the throne of Constantinople after Macedonius was removed. He was installed on the twenty-seventh of January 360, in the presence of seventy two bishops.<sup>4</sup>

The power of the Bishop of Constantinople was already very extensive. The bishops of metropolises like Cyzicus and Nicomedia were installed by the bishop of the capital. Eudoxius' first action as bishop was to give the Metropolis of Cyzicus to his faithful partisan Eunomius, after the Homoeousian Eleusius had been deposed. Eunomius was an extreme neo-Arian. Both agreed that they should

bridle our resolution, and not reveal it to those who are looking for a pretext for a charge. When we have succeeded in this, we shall proclaim what we now conceal, we shall teach the ignorant, and any that oppose us we shall persuade, coerce or punish.<sup>5</sup>

Accordingly, Eunomius agreed to sign the credal statement of Ariminum-Constantinople and to be appointed to the see of Cyzicus.

The new bishop, however, wasted no time in making his beliefs known; beliefs which "were twice as fearful as the blasphemies of Arius." The Cyzicans, who had supported the Homoeousean Eleusius, went to Constantinople and denounced Eunomius before Eudoxius. The Constantinopolitan bishop, however, did not accept the charge, and the Cyzicans resorted to the Emperor, who ordered "Eudoxius to summon Eunomius,

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1. SOZOMEN, *op. cit.*, IV, 14.

2. PHILOSTORGIUS, *Eccl. Hist.* IV, 8.

3. THEODORET, *Eccl. Hist.* II, 23.

4. *Chronicon Paschale*, year 360, PG XCII, 367.

5. THEODORET, *op. cit.*, II, 25.

cross-examine him, and strip him of the priesthood." <sup>1</sup> Eunomius, however, provided a solution by abandoning his see. <sup>2</sup>

Eudoxius succeeded in retaining the see of Constantinople not only under the Arianizing Constantius, but also during the reigns of Julian the Apostate, the orthodox Jovian, and Valens. Having baptized Valens, the bishop had great influence over him. It was Eudoxius who had urged Valens to launch a persecution against the upholders of the *ὁμοούσιος*. <sup>3</sup>

In spite of this, the power of the Bishop of Constantinople continued to spread among the churches of the East. Problems arising in these churches were examined and resolved in Constantinople, and its Bishop not only installed the bishops of the great cities, but also exercised legal prerogatives over them. In 370, after the death of Bishop Eugenius of Nicaea, Eudoxius went to Nicaea to install a new bishop. He died before the election, having been bishop for about eleven years. Valens was informed of his death in Nicomedia, on his way to Antioch.

#### 4. *Under Demophilus and Euagrius.*

After the death of Eudoxius, the Arian bishops met in Constantinople and elected as his successor Demophilus, Bishop of Berrhoea and Thrace. At the same time, the Homoeousians, thinking the death of Eudoxius a suitable opportunity, elected as their bishop Euagrius, who was consecrated by Eustathius of Antioch. Eustathius had been called back from exile during the reign of Jovian, and after Valens' succession lived secretly in Constantinople. <sup>4</sup> Valens found out what the orthodox had done and sent a military force from Nicomedia to the capital, ordering Euagrius and his consecrator into exile. Eustathius was exiled to Bizya in Thrace, and Euagrius *εἰς ἄλλον τόπον ἀπήχθη* (was sent elsewhere). The subsequent fate of Euagrius is not known, but it is thought that he died a little later in exile. <sup>5</sup>

While the orthodox party was undergoing severe difficulties, Demophilus, together with the Bishop of Heraclea and some others, went to Cyzicus with the aim of filling the see which had been empty since Euno-

1. THEODORET, *op. cit.*, II, 25. On Eunomius' summons to Constantinople to defend himself, Philostorgius, *op. cit.*, VI, 1, PG LXV, 532, writes: "Eunomius appeared before the clergy of Constantinople to present his defence . . ."

2. SOCRATES, *op. cit.*, IV, 7. Cf. POLAKES, *op. cit.*, pp. 68-69.

3. GENNADIUS of Heliopolis and Thira, *op. cit.*, p. 108.

4. SOCRATES, *op. cit.*, IV, 14 and 15.

5. POLAKES, *op. cit.*, p. 63. GENNADIUS of Heliopolis and Thira, *op. cit.*, p. 109.



mius' resignation and flight. The inhabitants, however, remained faithful to the teaching of the Homoeousian Eleusius; they obliged Demophilus and his party both to anathematize the Anomoeans Eunomius and Aetius, and to consecrate "those whom their (the Cyzicans') votes commanded." The one consecrated was in favour of the *ὁμοούσιος*.<sup>1</sup>

The steadfastness of those who adhered to the faith of Nicaea in the midst of such persecutions was indeed remarkable. It was not long before orthodoxy was to prevail in Constantinople as well. After Valens' death, Gratian and Theodosius inaugurated a new ecclesiastical policy which finally and decisively condemned Arianism. The orthodox of Constantinople now needed a pastor capable of uplifting and maintaining the orthodox faith. They turned to Gregory of Nazianzus, the brother of St. Basil.

##### 5. *Under Gregory of Nazianzus.*

Basil had consecrated Gregory Bishop of Sasima against his will and by force, but the new bishop never took charge of this church. He continued to help his widowed father, the Bishop of Nazianzus, and after the latter's death he temporarily administered the vacant bishopric. He later withdrew to the monastery of St. Thecla in Isauria. When Gratian demonstrated that he was well disposed to the Nicaean party, the orthodox of Constantinople took heart and looked for a spiritual leader capable of supporting orthodoxy; they chose the hermit of Seleucia.

The proposal to invite Gregory to Constantinople provoked much discussion. The canons which forbade the translation of bishops had fallen into disuse. Gregory did not consider himself bound by these canons in this case, as he had never taken possession of the see of Cyzicus. Those who took the initiative of inviting him to Constantinople were clearly not acting for their own ends. Gregory himself wrote that the grace of the Spirit had sent him to "refresh the souls with his preaching."<sup>2</sup> On the other hand he stressed that "assemblies of pastors" and orthodox<sup>3</sup> had forced him to accept the see of Constantinople. Basil had agreed to it,<sup>4</sup> and the initiative had been taken by Meletius, who after returning from exile in 378 had been particularly concerned with the rebuilding of orthodoxy

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1. PHILOSTORGIUS, *op. cit.*, IX, 13.

2. GREGORY NAZ., *De seipso* DXCV, PG XXXVII, 1070.

3. *Ibid.* LXXXI-LXXXII, PG XXXVII, 1172.

4. GREG. NAZ., *Or.* XLIII, B, PG XXXVI, 497.

in Constantinople. Given the immense importance of Constantinople, this was a subject of interest to all the churches of the East, which could not have been omitted from the discussions of the great synod Meletius called in Antioch in 379. Gregory was probably implying this when he wrote that *σύλλογοι ποιμένων ἐκάλεσαν αὐτόν*. These *σύλλογοι* were the second Oecumenical Council, which elected Gregory Bishop of Constantinople. He was in Constantinople before Pentecost 379. The first days of Gregory's term of office were encouraging. All the churches were occupied by the heretics, and Gregory found refuge in a house arranged as a chapel for the services of the few orthodox that remained. Gradually, as the congregation began to grow, the true orthodox faith regained its splendour, and Gregory's unrivalled abilities as a preacher fired the true Word of God in the whole congregation to the extent that the modest house seemed transformed into a magnificent church.<sup>1</sup>

The position of Rome and Alexandria towards the appointment and election of Gregory is very obscure. Gregory found neither Rome nor Egypt well-disposed towards him. The Bishop of Rome claimed that Gregory had transgressed the letter of Canon Law by his presence in Constantinople, and Peter of Alexandria was clearly implicated in the disgraceful consecration of Maximus the Cynic. Rome and Alexandria, that is to say, collaborated and defied the bishops of the East. Some bishops from Egypt and a gang of Egyptian sailors arrived in Constantinople, succeeded in breaking into the Church of Hagia Anastasia at night, and consecrated Maximus Bishop of Constantinople. Gregory's assessment of this Egyptian had been over-optimistic. He saw Alexandria as an ally in his struggle for orthodoxy, never imagining that Alexandria would attempt to appoint its own man bishop in Constantinople. Ambrose of Milan also arrived as legate of the bishops of Italy and being biassed recognized Maximus' consecration. Gregory's enemies were therefore not merely Arians; his fellow orthodox did not all look upon him with favour. In spite of all this, he was persuaded not to abandon Constantinople, for fear that the Trinity should go with him, as his supporters put it.<sup>2</sup>

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1. The chapel was named *Ἀναστασία*, because the faith of Nicaea was resurrected in it, according to Gregory (*De seipso* IV-V, PG XXXVII, 1254). Theophanes, however, regards it as dedicated to Anastasia, martyr (*Chronographia* I, 96). Many contemporary historians also make the mistake of calling it the Church of St. Anastasia. Sozomen (*op. cit.*, II, 5) gives the correct reason for the name and also includes a tale about the "resurrection" of a pregnant woman who fell from the building. P. POLAKES, *op. cit.*, p. 76.

2. *Ibid.* pp. 76-77.

Eventually Gregory's struggles proved worthwhile. The Church of Hagia Anastasia was already too small to contain the swelling community. Two days after Theodosius' entry into Constantinople, on the twenty-fourth of November 380, the churches were taken away from the Arians and returned to the orthodox. Demophilus did not wish to accept the creed of Nicaea and left the city, and Theodosius officially inducted Gregory into the cathedral to continue his Apostolic work there. The people wanted to acclaim Gregory as Bishop of Constantinople, but he maintained that only prayer was in order at that moment.

The opening of the second Oecumenical Council thus saw the Church of the capital entering the final phase of the orthodox victory over heresy and inaugurated a period which determined Constantinople's canonical position in the hierarchy.<sup>1</sup>

As he was already Bishop of Constantinople, Gregory took the chair at the council after the death of Meletius. He knew that he presided over a church of exceptional historical importance which he regarded as the second beacon of the whole world, shining in the new empire of the East.<sup>2</sup> He also knew from recent events that there was a radical difference of outlook between East and West. It was his aim to try and overcome this difference so as to preserve the unity of the Church. With this in mind, he resolutely pleaded on behalf of Paulinus after the death of Meletius. This was futile, because the bishops of Illyricum, including Bishop Acholius of Thessalonica, were called suddenly to the council, and they arrived with special orders from Pope Damasus of Rome. These orders were used against Gregory, whose election was wrongly believed to have been a translation. Thus Gregory's attempt to make peace was assailed from both sides. The Illyrian bishops wanted the canons applied, not from hostility to Gregory, as they said, but so as to humble those who had enthroned him.<sup>3</sup> The latter were themselves shocked by the proposed recognition of Paulinus. An unfortunate scene ensued, and Gregory provided a way out by resigning as Bishop of Constantinople and left the "vanity of being president."<sup>4</sup>

It seems, therefore, that in these first fifty years, troubled as they were by the Arian crisis, the Bishops of Constantinople began to acquire a di-

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1. Ibid. pp. 77-78.

2. GREGORY NAZ., *De seipso*, PG XXXVII, 1063.

3. Ibid. col. 1156.

4. P. POLAKES, *op. cit.*, p. 80.

instinctive authority, and had little difficulty in imposing their jurisdiction over their neighbours.

Scholars who maintain<sup>1</sup> that the Bishops of Constantinople enjoyed imperial favour in return for services to the court cannot deny that they became at an early stage independent of the Metropolitans of Heraclea, who were the Exarchs of Thrace. It is impossible to give a precise date to this development. Later on, not satisfied with being merely autonomous, Constantinople acquired the prerogative of appointing the bishops of the diocese of Thrace. That is to say that the rôles of the Bishops of Constantinople and Heraclea were reversed. The Exarch of Thrace gradually began to surrender his position to the bishop of the capital, whose influence and authority rose to such an extent that even the Emperors came to rely on him when implementing and consolidating their religious policy. Eventually he emerged as the confidential counsellor of the Emperor, often acting as an intermediary between the court and the Eastern bishops. The Emperors saw Constantinople as a new Rome, destined to play in the East the part played by the elder Rome in the West. Consequently the city required a religious leader not inferior in honour, at least, to the Bishop of Old Rome.

Nevertheless, as V. Monachino points out, the irregularity prevailing in the East during the Arian disputes delayed the rise of Constantinople in the Church by about fifty years. It is true that its bishops acquired, or, as certain well known but subjective Western historians maintain,<sup>2</sup> usurped, the rights of metropolitans and the prerogatives of other churches. On the other hand, they did not dare, before the Council of Constantinople, to lay claim to having risen in the hierarchical order of precedence, or to seek canonical recognition of this rise. Clearly the see would have acquired still greater authority during these fifty years if its bishops, instead of being sympathetically disposed to the Arians, had all been staunch upholders of the creed of Nicaea.<sup>3</sup>

Another factor inhibiting any great increase in the authority of the Bishop of Constantinople was the fact that while the imperial capital was Constantinople, before the reign of Theodosius, the Emperors Constantius, Julian and Valens had spent long periods in other cities, particularly An-

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1. R. JANIN, S. VAILHE, M. JUGIE, among others.

2. JANIN, VAILHE, JUGIE and others.

3. 'Genesi Storica del Canone 28 di Calcedonia,' in *Gregorianum* XXXIII, 2, 1952, 261.

tioch. This clearly lowered the prestige of the capital and as a result diminished the authority and influence of its bishop.

Although the Bishop of Constantinople was late in achieving prominence in the Church, his rise was favoured by the principle prevailing in the East and supported by the ninth canon of the Council of Antioch of 341, which gave the bishops of secular metropolises the status of metropolitans. This adaptation of the ecclesiastical organization to the secular was widespread throughout the Church, even in the West. This came about, as we saw earlier, in the same way that the larger towns imparted the Gospel by a kind of radiating process to the smaller. The churches of the small towns continued afterwards to be in some way dependent on the parent churches. The development was further favoured by the secular metropolises' having good communications, and being able to provide the bishops with better facilities when they came together.

Constantinople's rise was also helped by the fact that the application of this principle of conforming the ecclesiastical metropolitical system to the secular led to quarrels between the bishops, particularly when the provincial divisions of the Roman Empire were reorganized in the fourth century. St. Basil, in particular, reacted strongly against this; when Valens divided Cappadocia in two, Basil was unwilling to recognize Bishop Anthimus of Tyana as metropolitan, Tyana being the metropolis of the new province of Cappadocia Secunda. Accordingly, so as to assert his authority and also for practical reasons, Basil founded some new bishoprics, including Sasima, which was in the territory of Cappadocia Secunda. In the end, however, the principle embodied in canon nine of the Council of Antioch asserted itself and this could only result in helping Constantinople's rise.

In 380, Theodosius finally adopted Constantinople as his permanent residence. This marked a decisive advance for the Church of Constantinople, for the bishop's position was automatically benefited. Even before this, the Eastern bishops had made frequent visits to court, contravening the requirements of the Council of Antioch of 330, and the Council of Sardica of 343. When Constantinople became the permanent residence of the Emperor, they went there more often, both to settle their own business and also to submit protests and petitions to the Emperor, who would either decide cases in person, or more often would refer them to the bishop of the capital. The bishops visiting Constantinople would also use its bishop as an intermediary when approaching the Emperor. The fact that there was in Constantinople a sufficient number of bishops at one time, even unofficially, meant that there developed a kind of permanent synod,

presided over by the bishop of the city, to examine cases relating to the various Eastern churches. Similarly, the Bishop of Constantinople came to exercise supremacy and power which he as yet did not legally possess.

While the Easterners for the most part did not anticipate how this supremacy would develop, Constantinople's growing power could hardly escape the attention of Alexandria, which had until then itself exercised a kind of supremacy over the Eastern Churches, in close cooperation with the Pope of Rome. Its bishop had been the champion of orthodoxy in the struggles against the Arians, and this had given the see immense prestige. It soon realized how the increasing power and authority of Constantinople in the Church would inevitably lead to the waning of its own position and at once began a struggle for supremacy in the East. Nevertheless, in spite of its remarkable victories at the Council of Ephesus and the Robbers' Synod, Alexandria was decisively defeated at the Council of Chalcedon.

Alexandria first interfered to check the rise of the Constantinopolitan see in 380, when Peter, the brother and successor of Athanasius, sent various Egyptian bishops to Constantinople secretly. This was the expedition referred to earlier; the bishops consecrated Maximus the Cynic as bishop of the capital, thus displacing Gregory of Nazianzus, who had already been bishop there for a year, and had even been recognized by Peter.

Not only did this pitiful attempt of Peter's fail, but it must be said that it advanced the first legal and canonical recognition of the supremacy of the Bishop of Constantinople over the churches of the East.<sup>1</sup>

#### *The Council of Constantinople.*

The second Oecumenical Council met in Constantinople the following year, 381. Socrates writes that Theodosius convoked a council of bishops of his own orthodox persuasion, with the aim of consolidating the Nicene faith, of defining the Church's position on the Macedonian heresy, and of electing a new Bishop of Constantinople. One of the first to arrive was Meletius, at the head of seventy bishops of the diocese of Oriens. The new Bishop of Caesarea in Cappadocia, Helladius, came with the two brothers of St. Basil. They were followed by their friends Amphilochius of Iconium, Optimus of Pisidian Antioch and Cyril of Jerusalem, who arrived with the Palestinian bishops. About fifty bishops came from Southern Asia Minor, Lycia, Pamphylia, Pisidia and Lycaonia. The Egyptians and the bishops of Eastern Illyricum arrived later. Paulinus was not invited, and

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1. V. MONACHINO, *op. cit.*, p. 267.

those in communion with him, Diodore of Tyre and Epiphanius of Salamis, did not come.<sup>1</sup>

Meletius initially presided at the council, and after his death the council elected in his stead Gregory of Nazianzus, whom it had earlier translated from Sasima to Constantinople. Both his translation to Constantinople and his presiding over the council became the object of strong criticism from the party of bishops led by Timothy of Alexandria (Peter's brother and successor) which had arrived in the meantime and from the bishops of Eastern Illyricum led by Ascholius or Acholius of Thessalonica.<sup>2</sup> Timothy and the Egyptian bishops involved the Bishop of Constantinople in controversy over his position by supporting Maximus the Cynic. They maintained that Gregory's translation to Constantinople was uncanonical. The bishops of Illyricum also arrived, *φυσῶντες ἐσπέρειόν τε καὶ τραχύ*<sup>3</sup> against Gregory. Gregory's reaction was unequivocal. He was an outstanding scholar and a profoundly pious Christian, who has been described as greater than any of those at the council. Once he had ascertained that his rivals were "muttering" against him to try and force him into exile, he left both his throne and the city, in spite of the links he had forged with it during times of intense hardship for the orthodox. His resignation was Timothy's revenge for the dishonour his brother Peter had undergone the previous year.

After Gregory's departure, the council proceeded to elect a new bishop for the capital and at the suggestion of Bishop Diodore of Tarsus they elected the as yet unbaptized senator Nectarius. He was consecrated by Timothy of Alexandria, acting in his capacity as first bishop of the East, and Cyril of Jerusalem.<sup>4</sup> Nectarius' induction was of an oecumenical nature. An Oecumenical Council elected and consecrated him, in the pre-

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1. Four lists of bishops who took part in the second Oecumenical Council have been preserved: the Greek (C. TURNER, 'Canons attributed to the Council of Constantinople, A.D. 381, together with names of the bishops, from two Patmos MSS,' in JTS XV, 1913-14, 168-170), the Latin (J. MANSI, III, 568), a Syriac version (SCHULTZ, *Syrische Kanones* in the *Abhandlungen* of Göttingen, 1908, pp. 113-116), and another Syriac version interpolated in the chronicle of the Monophysite Michael the Syrian (J-B. CHABOT, *Chronique de Michel le Syrien* (1166-1199) I, 8-9). Cf. POLAKES, *op. cit.*, pp. 78-79.

2. In 379, Eastern Illyricum was made provisionally subject to the East politically, but ecclesiastically it remained fully dependent on Rome (G. KONIDARES, *Γεν. Ἑκκλ. Ἱστ.*, p. 296).

3. GREG. NAZ., *De seipso* MDCCC, PG XXXVII, 1143.

4. V. MONACHINO, *op. cit.*, p. 267.

sence of the Emperor Theodosius and the entire clergy, and with the participation of the entire city.<sup>1</sup> The official character of the induction was underlined in the letter the council wrote to Pope Damasus when it met again in 382. Unlike the description of the election of Flavian, Meletius' successor, the letter merely stated that Nectarius had been elected by the bishops of the province and of the diocese of Oriens, and that the election and consecration had been accepted by τὸ τῆς συνόδου κοινόν, by the council, that is, which reconvened in 382 and unanimously approved what had happened. The council continued its business with Nectarius presiding. According to the letter they addressed to Theodosius, the Fathers renewed their mutual concord and expressed "in succinct terms" their ratification of the Nicene faith and anathematized the heresies "which had sprung up against it." Finally they enacted canons to settle the essential elements of the ecclesiastical constitution. This work had initially been undertaken by the Fathers of Nicaea and had been continued by the Council of Antioch (either of 329 or 341). Antioch also reiterated and supplemented legislation already enacted by Nicaea in what might now be called draft form.<sup>2</sup>

#### *The Canons of the Council.*

The second and third canons of the Council of Constantinople are of most interest to us. Canon two finally settled that ecclesiastical areas were to be identical with the secular dioceses and on this basis introduced a new order in the hierarchy for both the churches' individual spheres of jurisdiction and their organization in the one Catholic Church. It read:

Τοὺς ὑπὲρ διοίκησιν ἐπισκόπους  
ταῖς ὑπερορίοις ἐκκλησίαις μὴ ἐπιέναι,  
μηδὲ συγγέειν τὰς ἐκκλησίας· ἄλλὰ κατὰ  
τοὺς κανόνας, τὸν μὲν Ἀλεξανδρείας  
ἐπίσκοπον, τὰ ἐν Αἰγύπτῳ μόνον οἰ-  
κονομεῖν· τοὺς δὲ τῆς Ἀνατολῆς ἐπι-  
σκόπους, τὴν Ἀνατολὴν μόνον διοικεῖν·  
φυλαττομένων τῶν ἐν τοῖς κανόσι τοῖς  
κατὰ Νίκαιαν πρεσβείων τῇ Ἀντιοχείᾳ  
ἐκκλησίᾳ· καὶ τοὺς τῆς Ἀσιανῆς διοι-  
κήσεως ἐπισκόπους, τὰ κατὰ τὴν Ἀσια-  
νὴν μόνον διοικεῖν· καὶ τοὺς τῆς Πον-  
τικῆς, τὰ τῆς Ποντικῆς μόνον· καὶ τοὺς

Bishops outside a diocese must  
not enter upon churches outside their  
own borders, nor bring confusion into  
the churches; but according to the  
canons, the Bishop of Alexandria must  
have the administration of the affairs  
of Egypt only, and the bishops of the  
East must administer the East only,  
the privileges which were assigned to  
the Church of Antioch by the canons  
made at Nicaea being preserved; and  
the bishops of the Asian diocese must  
administer the affairs of the Asian

1. THEODORET, *Eccl. Hist.* Bk. V, 9.

2. J. HAJJAR, *op. cit.*, p. 33.



τῆς Θράκης τὰ τῆς Θρακιῆς μόνον οἰκονομεῖν. Ἀκλήτους δὲ ἐπισκόπους ὑπὲρ διοίκησιν μὴ ἐπιβαίνειν ἐπὶ χειροτονίᾳ, ἢ τισιν ἄλλαις οἰκονομίαις ἐκκλησιαστικαῖς. Φυλαττομένου δὲ τοῦ προγεγραμμένου περὶ τῶν διοικήσεων κανόνας, εὐδηλον ὡς τὰ καθ' ἑκάστην ἐπαρχίαν ἡ τῆς ἐπαρχίας σύνοδος διοικήσει, κατὰ τὰ ἐν Νικαίᾳ ὠρισμένα. Τὰς δὲ ἐν τοῖς βαρβαρικοῖς ἔθνεσι τοῦ Θεοῦ ἐκκλησίαις οἰκονομεῖσθαι χρὴ κατὰ τὴν κρατήσασαν συνήθειαν τῶν πατέρων.<sup>1</sup>

only; and those of the Pontic diocese the affairs of the Pontic only; and those of Thrace the affairs of Thrace only. Moreover, bishops may not without being invited go beyond the bounds of their diocese for the purpose of ordaining, or any other ecclesiastical function. The above canon respecting the dioceses being observed, it is plain that the synod of each province must administer the affairs of the province, according to what was decreed at Nicaea. But the churches of God which are among the barbarians must be administered according to the usage of the Fathers which has prevailed.

This canon should be seen as a product of an ecclesiastical situation marked by the disorder arising from the Arian disputes and from the Meletian Schism and by the widespread instances of bishops' interfering beyond their jurisdictional limits. The Bishops of Alexandria were the worst offenders in this respect, interfering not only in the Church of Antioch, but even in the capital itself, where after Valens' death, the Bishop of Alexandria succeeded in being made trustee of the episcopal throne of Constantinople.<sup>2</sup> This naturally provoked much dissatisfaction with Alexandria among the clergy and people of the East.

It was this bitterness and displeasure with Alexandria's high ambitions and uncanonical activities which the Fathers of Constantinople expressed when formulating canons two and three. In canon two they censured uncanonical meddlings in other dioceses, and in canon three they denied the Bishop of Alexandria any position of primacy in the East. They also recognized the Bishop of Constantinople as having the *πρεσβεῖα τιμῆς* after the Pope, as Constantinople was the new Rome.<sup>3</sup>

1. G. RHALLER and M. POTLES, *op. cit.*, vol. II, pp. 170-171.

2. A. RITTER, *Das Konzil von Konstantinopel und sein Symbol*, p. 92 n. 172.

3. The anti-Alexandrian nature of these two canons has led certain historians, such as A. Ritter (*op. cit.*, p. 96), to think they were formulated in agreement with the Emperor before the bishops from Macedonia and Egypt arrived in Constantinople and that they were signed and submitted to the Emperor together with the other resolutions of the council on the ninth of July 381. Timothy of Alexandria and Acholius of Thessalonica and the bishops who accompanied them thus found themselves

Although the second canon was aimed indirectly but unmistakably against the Bishop of Alexandria in its prohibition of any intervention in other dioceses, it undoubtedly had a wider, more general significance. For this reason it provides us with reliable evidence of the hierarchical organization of the period,<sup>1</sup> as we shall see.

Under Constantine's influence, the Council of Nicaea concerned itself with the new ecclesiastical state of affairs, and began adapting the hierarchical organization of the ecclesiastical provinces to the governmental system of the Roman Empire initiated by Diocletian in 297. It established *the ancient customs* as the basic principle of this adaptation. In canons four, five, six and seven it defined the prerogatives of the metropolitans within their provinces and recognized the peculiar rights and privileges of certain sees, assigning, according to ancient tradition, the ἀκολουθία τῆς τιμῆς to the Bishop of Aelia (Jerusalem).<sup>2</sup> Thus, according to Müller, besides the "patriarchal" order which had until then prevailed even over the autonomy of the bishops of provincial capitals, a new "politico-geographical" system of order was inaugurated, which essentially limited the former, but did not entirely replace it.<sup>3</sup>

Life, however, does not stand still — it develops, and as a result ecclesiastical life, which follows natural law, is continually progressing and developing. Its essential elements remain unaffected, but its incidental, temporal forms alter. Fresh needs and problems arise in each ecclesiastical area.

It would seem that the Council of Antioch was prompted by precisely these new needs when it was obliged to elaborate and to some extent complete the provincial system constructed and organized by the Council of Nicaea. The resulting enactments (canons nine, eleven, twelve, fourteen, fifteen and twenty two in particular) more clearly defined the position and prerogatives of metropolitans. The council found that the provincial

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faced with a *fait accompli* and were obliged to accept what had been resolved. If they had been formulated at the end of the council's work, in the presence of the Egyptian and Macedonian bishops, they would have provoked such a reaction that these bishops would have withdrawn from the work of the council. Others, however, such as Monachino (op. cit., p. 267) believe that Timothy of Alexandria must have left Constantinople before the Fathers instituted the canons, because it is highly improbable that he and his accompanying bishops would have allowed canons two and three to be passed without objection, given that they were entirely directed against his see.

1. RITTER, op. cit., p. 96. POLAKES, op. cit., pp. 148-149.

2. G. RHALLER and M. POTLES, op. cit., vol. II, pp. 131-132.

3. M. MÜLLER, *Kirchengeschichte*, vol. II, p. 556. RITTER, op. cit., p. 87.

synods were not entirely adequate and instituted a new organ, the *Great Synod*, in which bishops from neighbouring provinces came together.<sup>1</sup>

The prevailing ecclesiastical administrative order had been thrown into chaos and confusion by a combination of circumstances: the disorder arising from the Arian controversy and the Meletian Schism; the interferences of Constantine's successors in ecclesiastical affairs, which periodically occurred until the prerogatives of the metropolitans and of the provincial synods were abolished; the episcopal consecrations performed at will in areas beyond the jurisdiction of the consecrators, and the uncanonical activities not only of the bishops of the great sees, but even of simple bishops.

Bearing in mind this manifestly unsystematic canonical situation and the many cases where canonical order had been overthrown, the Fathers of the second Oecumenical Council enacted their second canon,<sup>2</sup> with the aim of preserving concord and discipline. This canon finally established that the ecclesiastical areas were to be fully adapted to the secular dioceses, so as to become identical with them. The Church of the East was divided into five dioceses, or large geographical areas: Pontus, Thrace, Asia, Oriens and Egypt. These dioceses were placed above the provinces. The synod was specifically mentioned as part of this system, and it was decreed that the

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1. What was the full meaning and function of the *Μετάν Σύνοδος*? Was it really a new institution? It is certainly difficult to define precisely, but one thing is certain: it had never before appeared in conciliar canons. Does it signify the jurisdiction of an Oecumenical Council? Certainly not, for the Oecumenical Council by this time already had its own designation. Is it the same as the "synod of the diocese"; in other words a body superior to the provincial synods? Some scholars, such as Ritter (op. cit., p. 90), say no, and believe that it was not yet established as a fully defined institution. Others, including Hajjar (op. cit., p. 35), believe that it designates the kind of synod which was frequently convoked at the instigation of the Court at the period of the struggles over Arianism, and that bishops of outstanding moral authority from all the ecclesiastical provinces of East and West would take part (pp. 34-35).

2. Quite clearly this canon is closely related to the 14th and 34th Apostolic canons, canons 6, 7 and 15 of Nicaea, and 13 and 22 of the Council of Antioch. As the Apostles decreed that "no bishop is to . . . trespass in another's congregation," the Fathers of Nicaea laid down that "the ancient customs are to prevail," and that "each throne is to administer the provinces pertaining to it." The Fathers of the Council of Antioch decreed that "no bishop shall dare to remove from one province to another." According to Zonaras, this Constantinopolitan canon "decrees that no bishop is to go beyond the diocese, that is beyond the province pertaining to him, to enter extra-territorial churches, those in other words lying beyond the areas prescribed for him" (G. RHALLER and M. POTLES, op. cit., II, p. 170).

bishops of each diocese must not interfere in the affairs of other dioceses, nor perform ordinations outside their own diocese without express authorization. The canon, therefore, establishes ecclesiastical groups of bishops corresponding to the secular dioceses. What however was the precise content and extent of these ecclesiastical dioceses?

Scholars who maintain that similar groupings had been established by the Council of Nicaea, and that from as early 325 there were five ecclesiastical dioceses, each one functioning under the bishop of the capital,<sup>1</sup> regard canon two of Constantinople as a mere ratification of the order already established by canon six of Nicaea, which had been upset during the Arian controversy. They attempt to show that not only Rome, Alexandria and Antioch had a special, higher jurisdiction—this is not disputed—but that the capitals of Thrace, Pontus and Asia also enjoyed superior jurisdiction over their entire dioceses before 381. Lübeck<sup>2</sup> attempts to demonstrate that this was so in the case of Caesarea, and de Tillemont<sup>3</sup> also appears to incline to the view which recognizes that St. Basil as Bishop of Caesarea had jurisdiction over the whole of Pontus. Lübeck's view has been reiterated in recent years by Beck.<sup>4</sup>

Others do not accept these conclusions, or at least do so only with serious reservations,<sup>5</sup> observing that Basil intervened not only in the diocese of Pontus, but in other areas as well,<sup>6</sup> although recognizing that these actions were uncanonical. He wrote to Eusebius of Samosata, *εἰ οὐ δὴ μὴ κατοικνεῖν τὰς ὑπερορίους χειροτονίας*.<sup>7</sup> Basil had but one aim, *τῶν μισθῶν τῆς εἰρηνοποιίας ἐπιτυχεῖν*.<sup>8</sup> These scholars do accept, however, that at least the dioceses of Asia and Pontus before 381 "formed indeed two areas naturally distinct."

These scholars do not on the other hand agree that the Council of Constantinople created five larger ecclesiastical divisions, each under the

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1. K. LÜBECK, *Reichseinteilung und kirchliche Hierarchie des Orients bis zum Ausgange des IV. Jahrhunderts*, p. 146. C. HEFELE and H. LECLERCQ, *op. cit.*, I, p. 564. THOMASSIN, *Vetus et nova Ecclesiae disciplina*, part III, cap. VIII.

2. LÜBECK, *op. cit.*, p. 190.

3. DE TILLEMONT, *Mémoires*, vol. IX, p. 127.

4. H. BECK, *Kirche und theologische Literatur*, p. 28.

5. P. BATTIFOL, *Le siège apostolique*, p. 129. K. SOHM, *Kirchenrecht* I, 420-425. RITTER, *op. cit.*, pp. 87-88.

6. Cf. E. SCHWARTZ, *G.S.* IV, 86.

7. *Ep.* CXXXVIII, PG XXXII, 581.

8. *Ep.* XCVII, PG XXXII, 493, *Ep.* CXXVIII, PG XXXII, 553 and *Ep.* CCLIX, PG XXXII, 953.

hegemony of a single bishop. Alexandria and Antioch undeniably occupied such a position, because it clearly emerges from the text of this canon that the Bishop of Alexandria was the first bishop and sovereign lord of the Church of Egypt, and it can also be inferred that the council recognized Antioch's authority and jurisdiction over the diocese of Oriens, although the text of the canon makes a distinction:

Τὸν μὲν Ἀλεξανδρείας ἐπίσκοπον τὰ ἐν Αἰγύπτῳ μόνον οἰκονομεῖν· τοὺς δὲ τῆς Ἀνατολῆς ἐπισκόπους τὴν Ἀνατολὴν μόνην διοικεῖν, φυλαττομένιον τῶν πρεσβείων τῇ Ἀντιοχείᾳ ἐκκλησίᾳ.

As far as the other dioceses are concerned, however, which is the point at issue, the council is silent; there is no indication that the bishops of the capitals of each of these dioceses, as exarch-metropolitans, disposed of particular rights or prerogatives of superior personal jurisdiction. The canon merely states that the bishops of these dioceses ought to *διοικεῖν* and *οἰκονομεῖν* the affairs of their own dioceses only,<sup>1</sup> in other words that the bishops of these dioceses ought collectively to take care only of cases pertaining to their own ecclesiastical area.<sup>2</sup>

Where, therefore, the most prominent sees are concerned, canon two does not seem to have innovated, or to have added much to the Nicene canon. In the East there had always been two bishops whose jurisdiction was alone clearly specified; Alexandria and Antioch.<sup>3</sup> No one ecclesiastical exarch, however, was put in charge of the three dioceses of Pontus, Asia and Thrace.<sup>4</sup> So while the council appears to have outlined a general reform of the ecclesiastical administration, the provisions of this reform do not appear to have been uniform for all the ecclesiastical dioceses.

This new state of affairs, intentional or not, was to help the bishop of the capital to extend his primatial jurisdiction over the dioceses of Pontus, Asia and Thrace. The lack of any collective leader or primate over these three dioceses was fatal for them. The metropolitans of these dioceses

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1. SOHM, *op. cit.*, vol. I, 425. Turner agrees: "The organization is always so obvious and elementary that the dioceses are mentioned without the bishops of their capitals. The Bishops of Alexandria and Antioch are always mentioned, while the Exarchs of Heraclea, Ephesus and Caesarea never are" (*Studies in Early Church History*, p. 43).

2. HAJJAR, *op. cit.*, p. 37.

3. R. VANCOURT, 'Patriarchs,' in DTC XI, 2260.

4. HAJJAR, *op. cit.*, p. 37. BATIFFOL, *op. cit.*, pp. 127-133. E. HERMAN, *Chalkedon und die Ausgestaltung des Konstantinopolitanischen Primats*, in GRILLMEIER-BACHT, *Das Konzil von Chalkedon II*, 1953, 472-474.

preferred to recognize the authority of the most important bishop outside their own particular diocese, Constantinople that is, rather than be dependent on the bishop of the diocesan capital. The distance at which the bishop commanding authority was situated had a marked effect on the power he wielded. The nearer he was, the more trouble he could cause, and for this reason the metropolitans preferred the more distant authority of the Bishop of Constantinople, and in canon three the council finally assigned him the *προσβεῖα τιμῆς* (*prerogatives of honour*).<sup>1</sup>

In any case, it can be argued from these two canons at least that "patriarchal" areas existed as early as the fourth century, although this term was not yet employed.<sup>2</sup> Clearly the five great patriarchates, Rome, Constantinople, Alexandria, Antioch and Jerusalem did not exist in the sense that they were later recognized by the Council of Chalcedon. In the fourth century, Jerusalem, despite canon seven of Nicaea which recognized his having the *ἀκολουθία τῆς τιμῆς*, was an ordinary bishop, coming under the jurisdiction of the Metropolitan of Caesarea, and the Bishop of Constantinople was still aspiring to shake off the control of the Metropolitan of Heraclea.<sup>3</sup> He achieved this in the third canon of Constantinople,<sup>4</sup> which we shall now examine more closely.

1. PHEIDAS, op. cit., p. 166. HAJJAR, op. cit., p. 38.

2. According to E. Caspar (*Geschichte des Papsttums*, I, 94 and 283 f.), the order of honour *Rome, Alexandria, Antioch, Jerusalem* had already become fixed as customary law by the third century and served as basis for canons 7 and 6 of Nicaea.

3. According to Philostorgius IX, 10, "The predecessor of Gregory of Nazianzus, Demophilus, was installed in Constantinople by Theodore, Bishop of Heraclea; for the latter appeared to have the privilege of taking this action."

4. S. VAILHE, op. cit., 1322. Socrates (op. cit., V, 8) writes: "Then they promulgated the tenet that the Bishop of Constantinople has the prerogatives of honour after the Bishop of Rome, because it is New Rome . . . They then ratified once again the faith of Nicaea. They established patriarchs and apportioned the provinces so that the bishops set over the dioceses should not go into churches beyond their boundaries . . . and Nectarius was allotted the Great City and Thrace." This belief that "they established patriarchs" is probably the result of confusing this canon with the imperial edict of the 30th of July 381 which was intended not to establish patriarchs but to install ordinary bishops. Sozomen seems implicitly to correct Socrates when he writes: "And the bishops are to remain in their own churches and are not to intervene at random in churches beyond their boundaries . . ." (op. cit., VII, 9, 1-2). In particular see P. HINSCHIUS, *Das Kirchenrecht der Katholiken und Protestanten in Deutschland*, I, 526 f. and G. RAUSCHEN, *Jahrbücher der christlichen Kirche unter dem Kaiser Theodosius dem Grossen*, 479 f. ("Was it the aim of the Council of Constantinople to create patriarchal thrones in canon two?"). Cf. RITTER, op. cit., p. 91. n. 1.

It is in this canon that the Church of Constantinople is mentioned for the first time as occupying a prominent position amongst the other churches of the East:

Τὸν μέντοι Κωνσταντινουπόλεως  
ἐπίσκοπον ἔχειν τὰ πρεσβεῖα τῆς τιμῆς  
μετὰ τὸν τῆς Ῥώμης ἐπίσκοπον, διὰ τὸ  
εἶναι αὐτὴν νέαν Ῥώμην.

The Bishop of Constantinople has  
the prerogatives of honour after the  
Bishop of Rome, because Constanti-  
nople is the new Rome. <sup>1</sup>

Yet what is meant by these *πρεσβεῖα τιμῆς*? Do they refer to a priority of high honour, to simple precedence, to what we might call a constitutional order, or do they imply essential jurisdiction and power? What does the preposition *μετὰ* signify? Is it temporal, or does it indicate rank?

Scholars are by no means agreed. Hefele, Vailhé, Duchesne, Janin, Hajjar, Monachino and Eid, and the Russians Pavlov, Barsov and others hold that this canon gives the Bishop of Constantinople, in his capacity as bishop of the new imperial capital, mere precedence of honour. According to this interpretation, during episcopal convocations Constantinople would hold a position in the order of bishops after Rome, but before all the other bishops of the Universal Church. Some of these scholars even see the *πρεσβεῖα τιμῆς* as pertaining to the Bishop of Constantinople personally, and not as belonging to the see. <sup>2</sup>

The adherents of this point of view go on to remark that the conferring of *πρεσβεῖα τιμῆς* on a particular see was not something new in ecclesiastical history, that the Council of Nicaea had bestowed similar *πρεσβεῖα* on the Bishop of Jerusalem, while preserving the metropolitan prerogatives of the Bishop of Caesarea, <sup>3</sup> and that in the West Milan had been extravagantly exalted, occasionally to the detriment of Rome's authority, because Milan had become in fact since Gratian the capital of the Western Empire. <sup>4</sup>

1. G. RHALLÉS and M. POTLES, *op. cit.*, II, p. 173. Baronius described the canon as a forgery (*commentinium*). Yet as Pagi points out in his commentary, all the manuscripts and canonical collections of antiquity, the Middle Ages and modern times include a mention of this canon. Cf. GENNADIUS of Heliopolis and Thira, *op. cit.*, p. 160.

2. T. BARSOV, *Konstantinopolskij Patriarch i ego vlast nad Rousskojou Tserkovjou*, 33-34, and 'O kanonitseskom elementje v tserkovnom oupravlenii,' in *Pravoslavnoje Obozrenije* I, 1881, 567.

3. S. VAILHÉ, 'La formation du Patriarcat de Jérusalem,' in *Echos d'Orient* 1913, 325-326. F. M. ABEL, 'Le Patriarche Juvenal,' in *Proche-Orient Chrétien* 1951, 303-314.

4. L. DUCHESNE, *Les origines du Culte chrétien*, pp. 33-39 and A. FLICHE and V. MARTIN, *op. cit.*, III, pp. 473-4.

Other scholars, including the authors of the *Pedalion*, the Bishop of Smolensk, J. Sokoloff, and P. Polakes, interpret this canon in the light of canon twenty eight of Chalcedon and affirm that none of the views expressed above can be substantiated. The view that the *προσβεῖα* belonged personally to the Bishop of Constantinople rather than to the see is wrong, because the Fathers of Chalcedon expressly stated that these *προσβεῖα* were bestowed τῷ τῆς Νέας Ῥώμης ἀγιοτάτῳ θρόνῳ. The theory that the *προσβεῖα* merely involved honorary precedence cannot be maintained if the subject of the participle *κρίναντες* in canon twenty eight of Chalcedon is taken to be not the Fathers of Chalcedon but the hundred and fifty Fathers of Constantinople. According to the Council of Chalcedon, the Fathers of Constantinople then judged that "the city which was honoured with the sovereignty and the Senate, and which enjoyed equal *προσβεῖα* with the elder, imperial Rome" ought equally to be exalted in ecclesiastical affairs, "because it was second after Rome." Given this reading of *κρίναντες*, it is undeniable that everything which canon twenty eight of Chalcedon had bestowed upon the throne of Constantinople in relation to the *προσβεῖα* had already been granted by the third canon of Constantinople. Yet it is well known that canon twenty eight exalted the Bishop of Constantinople in position, prerogatives and power to the rank of patriarch. In its expression *ἴσα προσβεῖα* in particular, Chalcedon recognized the Bishop of Constantinople as bishop of New Rome, in everything equal to the bishop of the elder Rome, and bestowed upon his see the same importance, rank and competence as Rome itself enjoyed. In the phrase *καὶ ἐν τοῖς ἐκκλησιαστικοῖς μεγαλύνεσθαι πράγμασιν*, the council expressed its belief that the throne of New Rome and its bishop ought to receive the same broad and diverse importance in the affairs of the Christian Church as the throne and bishop of the elder Rome already enjoyed. By virtue of this importance, the power, authority and privileges of Constantinople would have to be as broad and indisputable as those of the Pope of Rome. With the observation *δευτέρα μετ' ἐκείνην ὑπάρχουσα*, the council showed that the see of Constantinople, although ranking equal in prerogatives with the Bishop of Rome, must be second and not first. The first continued to be Rome. Constantinople was to be second in the order of honour, but not in competence; second after Rome in order and rank, honour that is, but not where influence and real power in ecclesiastical matters were concerned.

These scholars maintain that the phrase *δευτέρα μετ' ἐκείνην ὑπάρχουσα* of canon twenty eight indicates how the preposition *μετά* in the third canon of Constantinople should be understood. It does not convey temporal sequence, as some, following Aristenus, believe, nor does it suggest subor-



dination, as Zonaras incorrectly interprets it. It rather conveys equality of honour and rank, by which one is first, and the other second. It conveys equality of honour, because the Fathers of Chalcedon said in canon twenty eight that:

The hundred and fifty Fathers of the Council of Constantinople have awarded to the Bishop of New Rome prerogatives equal to those of the Bishop of Old Rome,

and the Fathers of the Council in Trullo said in canon thirty six:

The Bishop of Constantinople enjoys prerogatives equal to those of the Bishop of Old Rome,

and equality of rank, because both the Fathers of Chalcedon and of the Council in Trullo in these canons say that the Bishop of Constantinople is second after that of Rome, not second in honour, but second in *order of honour*. This is because it is impossible for there to be two equal things, called first and second in relation to each other, without there being an order. For this reason Justinian, in his 130th Novel, says that the Bishop of Rome is first, and that the Bishop of Constantinople holds second rank after the Bishop of Rome.

Seen from this point of view, Zonaras' opinion that the honour of the Bishop of Constantinople was subordinate to that of Rome cannot be maintained. The Bishops of Rome and Constantinople can be seen as entirely equal and to enjoy the same importance, each in their prescribed areas and throughout the extent of their competence. However, when they met in councils, for example, and whenever the senior sees were enumerated, and ecclesiastical acts were signed, one or them came first, and the other second, so as to preserve an order of sequence. The opinions, voice and views of each were entirely equal in status where ecclesiastical acts were involved.

Equally untenable is the opinion of those who draw a parallel between the *προεβεία* which the Council of Constantinople bestowed upon the Bishop of Constantinople, and what the Council of Nicaea bestowed upon the Bishop of Jerusalem.<sup>1</sup> As Bishop J. Sokoloff pertinently argues:

1. The Council of Nicaea did not give the Bishop of Jerusalem jurisdiction over the churches of the province, as it did Alexandria and Antioch,

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1. BARSOV, *op. cit.*, pp. 33-34 and *art. cit.*, pp. 568-569. AGAPIUS the Hieromonk and NICODEMUS the Monk, *Πηγάδιον*, 1957, p. 158.

but rather prescribes how the metropolitan of the area, the Bishop of Caesarea, was to preserve his authority intact. Thus, while the Bishop of Jerusalem held the *πρεσβεία τιμῆς* before the other bishops of Palestine (*πρεσβεία τιμῆς*, merely, and not *ἐξουσίας*), he was nevertheless administratively subordinate to the Metropolitan of Caesarea.<sup>1</sup>

2. No such restriction applied in the case of Constantinople; there was no reference in canon three to the authority of the Metropolitan of Heraclea.

3. In the case of Jerusalem, the Council of Nicaea used the expression *ἀκολουθία τιμῆς*, while the second Oecumenical Council referred to the *πρεσβεία τιμῆς* of Constantinople.<sup>2</sup>

This canon, exclusively aimed against Alexandria and not against Rome, was also, according to Hefele, Ritter, Monachino and others, the first stage in Constantinople's canonical elevation. These scholars claim that the causes of this elevation were as follows:

1. The secular criterion prevailing in the East, by which the position in the hierarchy of episcopal sees depended upon their secular importance.

2. Theodosius' wish to give greater influence and authority to the bishop of the capital, who could be used as a trusty assistant and colleague in carrying out the Emperor's policy of religious unification in the faith of Nicaea; a colleague and assistant who would be able to bring this work more easily and efficiently to a satisfactory conclusion if his authority were elevated above the other Eastern bishops.<sup>3</sup>

3. These other bishops, who hoped and believed that the exaltation of their natural, established and by now almost indispensable interme-

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1. Hefele (C. HEFELE and H. LECLERCQ, op. cit., II, 25) writes that the word *πρεσβεία*, used in canons two and six of Nicaea, means *prerogatives, privileges*, but that the addition here of the words *τῆς τιμῆς* restricts it to the sense which the early Latin interpreters gave it; *primatus honoris*, which was distinct from all effective power.

2. There are scholars such as Ritter who maintain that the third canon of Constantinople affected Roman interests. It certainly recognizes Rome as having the primacy of honour in the entire hierarchy of the Church, but it does not authorize Rome to supplant Alexandria from its traditional position, nor can Roman interests be seen as the motives for the passing of the canon (op. cit., p. 93).

3. We must certainly not overlook Theodosius the Great's interest in having the ecclesiastical authority of the throne of New Rome ratified canonically, but this must not be seen as the principal reason for its exaltation amongst the more important sees, for canon three is in full accord with the practice of the Church prevailing beforehand (PNEIDAS, op. cit., p. 161).

diary with the Emperor would result in better attention to their own concerns.<sup>1</sup>

According to Pagi, who wrote the commentary on Baronius, the rights of the other bishops were not overthrown by the privileges which the council gave the throne of Constantinople. The honour of the Bishop of Antioch was not altered by Constantinople's elevation to a patriarchate. The rights of Alexandria were not diminished, since the Thracian diocese, the headquarters of which were transferred to the throne of Constantinople, did not in any way depend upon the other patriarchates. The same must be said for the dioceses of Pontus and Asia, which were later subordinated to Constantinople. The provinces attached to their synods were not dependent upon the exarchs — the Pontic diocese upon Caesarea, the Thracian upon Heraclea, or the Asian upon Ephesus—, *nec enim dioceses Synodis commissae, exarchis suis parebant*. It could be said that the Bishop of Heraclea alone suffered "injury". However, inasmuch as it was the synod's prerogative to administer the churches of Thrace, a prerogative

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1. MONACHINO, *op. cit.*, p. 270. C. HEFELE and H. LECLERCQ, *op. cit.*, II, 1, 25-28. RITTER, *op. cit.*, p. 92. STEPHANIDES, *op. cit.*, p. 281. Pheidias correctly rejects as biased the view that the Fathers of Constantinople justify their awarding the special prerogatives of honour *only* on the basis of the secular importance of the city concerned. He writes: "I do not deny that the ecclesiastical authority of Constantinople was based on its secular importance, but I am of the opinion that the Fathers of the second Oecumenical Council were thinking first of all of the ecclesiastical authority and secondly of the secular importance of New Rome. The conclusion of canon three does not explain the recognition of the prerogatives of honour; it explains rather why Constantinople was awarded the second place in the order of thrones in the Church, the first place in the East, before the thrones of Alexandria and Antioch. The closing words 'because it is New Rome' do not provide the basis of the special honour, but explain why the thrones of Alexandria and Antioch were supplanted in the order of precedence of the principal thrones . . .

"There is no doubt that the secular importance of a city was usually a basic presupposition of its ecclesiastical authority, not only in the East, but also in the West. The prerogatives of honour were the canonical ratification of that ecclesiastical authority, however it may have been acquired. Thus the problem facing the Fathers of Constantinople was not that of establishing the criterion for recognizing prerogatives of honour to the Constantinopolitan throne, but in finding the criterion by which the prerogatives of honour already acquired by the throne of Constantinople should take precedence over the prerogatives of the Alexandrian and Antiochene thrones.

"The solution lay in the secular relation between Old and New Rome. As the New Rome stood equal to the old politically, it must be made equal ecclesiastically by awarding it the second place in the order of precedence of thrones, out of respect for the more ancient prerogatives of Rome" (PHEIDAS, *op. cit.*, p. 160).

tive given it by the Council of Nicaea, it cannot be said that it was an "injury" to transfer this prerogative to another bishop, or to the Bishop of Constantinople.

Quae tamen injuria dici non debet, cum penes concilium esset jus administrandi Ecclesiam Thraciam, sibi per Nicaenam Synodum quaesitum, in alium episcopum, vel in Constantinopolitanum transcribere.<sup>1</sup>

As we saw earlier, Socrates in his discussion of the work of the second Oecumenical Council wrote that Gregory of Nazianzus' successor as Bishop of Constantinople, Nectarius, *κληροῦται τὴν μεγαλοῦπολιν καὶ τὴν Θράκην*.<sup>2</sup> Although the third canon said nothing about any province attached to

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1. BARONIUS, *Annales*, V, 485. Cf. E. PHOTIADES, *Ἐξ ἀφορμῆς ἐνὸς ἄρχεου*, p. 64. Pheidias maintains that "the canonical resolutions of the second Oecumenical Council completed the order of the most important thrones, but did not define the power claimed on the basis of their exceptional authority, a power which they had claimed in practice for a long time, particularly where the consecration and judgement of bishops were concerned. This power remained an exclusive prerogative of the provincial synods, but if they were unable to arrive at a correct verdict, a greater synod of the bishops of the diocese would be called. Thus the Council of Constantinople did not give a definite solution to the question of authority over the metropolitans, because it did not provide the prerogatives of honour of the first thrones of every diocese with canonical authority, and it did not recognize that the most important thrones which were honoured with special prerogatives had any distinct power. This was because none of the thrones of the so-called lesser dioceses had acquired general undisputed authority over its entire diocese, and was a natural result of the internal problems of the most important thrones in the East" (PHEIDAS, *op. cit.*, 162-3).

Yet while he claims that "the most important thrones had for a long time claimed power in practice, particularly where the consecration and judgement of bishops were concerned," a little later he writes: "Consequently, the most important thrones in spite of their commonly recognized authority were not ready at the time the second Oecumenical Council was summoned to claim that their special prerogatives of honour should be granted a correspondingly extensive power over the consecration and judgement of bishops, because they did not face serious internal problems and the determination of the metropolitans to preserve their own autonomy made innovation difficult" (p. 165). Further down he admits: "Curiously, the internal problems of the most important thrones strengthened their ecclesiastical authority, because they imposed in practice the theory of the extra-territorial competence of these thrones in questions of consecrations," (p. 165) so as to conclude that "immediately after the work of the second Oecumenical Council had finished, the tendency to form supra-metropolitan administrative authority took on concrete form, because it was then clear that the thrones of the capitals of the secular dioceses, or the most important thrones, could claim supra-metropolitan power" (PHEIDAS, *op. cit.*, p. 165).

2. *op. cit.*, V, 8: "was allotted the Great City and Thrace."

the throne of Constantinople, such mention would be seen perhaps as superfluous, because when Constantinople became the seat of the Eastern part of the Roman Empire, it naturally became capital of *Europe*, that is Thrace. Heraclea became eclipsed, dependent in reality ecclesiastically and civilly upon Byzantium. <sup>1</sup>

Discussing Socrates' evidence, Henri de Valois (Valesius) writes:

Those who think that in the period of the second Oecumenical Council the bishop of that city (Constantinople) did not have a province are wrong. Before this the *Praesul Constantinopolitanus* was ordaining bishops in the Hellespont and in Bithynia, as I demonstrated earlier. <sup>2</sup>

V. Grumel similarly maintains that when Socrates wrote that the Bishop of Constantinople received as jurisdictional territory "the Great City and Thrace," he was clearly not influenced retrospectively by Chalcedon, and thus led to ascribe to the second Oecumenical Council the jurisdiction which was in fact given Constantinople by the fourth. <sup>3</sup> De Tillemont also seems to incline to the view that this honorary position was bestowed upon Constantinople as corroboration and confirmation of an already existing situation. He writes:

It appears that the third canon of 381 confirmed and corroborated what *custom* and *fact* had already previously granted Constantinople. <sup>4</sup>

The following summary observations may serve to bring this section to a conclusion:

1. In canon two, the second Oecumenical Council defined the jurisdiction of the first bishops of the dioceses and put an end to ecclesiastical encroachment.

2. In canon three, it recognized the Bishop of Constantinople as having the *προσβεία τῆς τιμῆς* and accepted the situation automatically created by Constantinople's secular status, giving it concrete form. This situation resulted from the focussing of the Eastern Empire upon the new capital, and brought about the exaltation of the throne of Constantinople as the first centre of the Catholic Church of the Greek East. <sup>5</sup>

1. GENNADIUS of Heliopolis and Thira, op. cit., p. 162.

2. C. HEFELE and H. LECLERCQ, op. cit., vol. II, 1, pp. 26-27.

3. GENNADIUS of Heliopolis and Thira, op. cit., p. 162, n. 1.

4. LE NAIN DE TILLEMONT, *Documents pour servir à l'histoire ecclésiastique des six premiers siècles*, IX, p. 489.

5. G. KONIDARES, *Ἡ διαμόρφωσις τῆς Καθολικῆς Ἐκκλησίας μέχρι τῶν ἀρχῶν τοῦ ε' αἰῶνος*, p. 73.

3. Canon three was not an arbitrary innovation,<sup>1</sup> but was the result of fifty years' development. P. Polakes has described it as "the ripe fruit of the historical consciousness of the churches" of the East, and of the new state of affairs in the Empire.<sup>2</sup>

4. The *πρεσβεία* were not a simple honorary distinction in the hierarchical order, but involved genuine power in a reciprocal relationship with the prerogatives of the other bishops.<sup>3</sup> This can be confirmed by:

a) The fact that the Council of Nicaea accepted the force of *ἔθος* (ancient custom), recognized the *ἐξουσία* (jurisdictional power) of the Bishop of Alexandria over Egypt, Libya and the Pentapolis, and took into consideration the extension of the *ἐξουσία* of the Bishop of Rome over the bishops surrounding Rome — the *Loca Suburbicaria*. The *πρεσβεία* are here seen as *ἐξουσία*, because the authority of what was decided by the provincial synod was given to the first bishop, the metropolitan, whose opinion was necessary and could not be ignored. This clearly emerges from canon four of Nicaea: *Τὸ δὲ κύρος τῶν γινομένων δίδοσθαι καθ' ἐκάστην ἐπαρχίαν τῷ μητροπολίτῃ.*<sup>4</sup>

b) Zonaras' and Balsamon's comments on canon six of Nicaea. Zonaras writes:

It wants him so much to dominate the bishops in these provinces that it gives absolutely no rule relating to ecclesiastical administration without him, the most important being the consecration of bishops. It therefore says that if a bishop is installed without the consent of the metropolitan he is not a bishop. For even if the people of the cities used once to elect their bishop, even then, after the vote, the matter was referred to the metropolitan and was ratified by him, and the person whom the metropolitan approved was deemed worthy of consecration.<sup>5</sup>

Balsamon writes:

So much do the canons want the patriarchs to have precedence over the metropolitans subject to them and the metropolitans to have precedence over the bishops subject to them, that nothing extraordinary is done by the bishops subject to them without their consent.<sup>6</sup>

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1. LECLERCQ, *Le canon troisième du Concile de 381*, C. HEFELE and H. LECLERCQ, op. cit., II, Append. III, pp. 1260-70.

2. P. POLAKES, op. cit., p. 83.

3. Ibid. p. 82.

4. G. RHALLER and M. POTLES, op. cit., II, p. 122.

5. Ibid. p. 128.

6. Ibid. p. 129.

c) That as canon two of Constantinople settled the questions of ecclesiastical dioceses without diminishing in the slightest the *προσβεῖα* of the bishops of the diocesan capitals, it is clear that the *προσβεῖα τιμῆς* of Constantinople, which represented genuine authority, were prerogatives of a general kind over the Eastern part of the Empire. This had long been made apparent by the Bishop of Constantinople's resolving questions brought to him on appeal,<sup>1</sup> as the cases described in the following section show.

*The προσβεῖα in Practice.*

The first official indication that the *προσβεῖα τιμῆς* were also a *προσβεῖα* of some active, practical power over the churches within the Eastern Empire occurs when we examine the case of Bagadius and Agapius, who both claimed the see of Bostra. The case was examined by the council held in Constantinople in 394, and according to the Acts of the council the details were as follows:

Bagadius, the Metropolitan of Bostra, had been deposed in his absence by two bishops, Cyril and Palladius, who consecrated Agapius as his successor. Bagadius denounced this *fait accompli* to the second Oecumenical Council, to which Agapius also presented himself. The Council commissioned Gregory of Nyssa to examine the case. He went to Bostra to try and solve the dispute, but to no avail. The case remained undecided for several years, after which the two bishops concerned asked Pope Siricius (384 - 399) to intervene. He entrusted the case to Theophilus of Alexandria, who apparently did not take the trouble to investigate it. It was finally brought up and examined at this council convoked by Nectarius in Constantinople in 394. The council was of an oecumenical character, being composed of the Bishops of Constantinople, Alexandria and Antioch, many other bishops "and the entire clergy."<sup>2</sup> Nectarius presided and spoke first, analysing the case. The Eastern churches already appeared to be in a conciliatory mood: Theophilus of Alexandria recognized Flavian of Antioch. Both the Metropolitan of Heraclea and the Bishop of

1. P. POLAKES, op. cit., p. 83, cf. STEPHANIDES, 'Εκκλ. 'Ιστ. p. 285 and D. DELIKOSTOPOULOS, Αἱ ἐκκλησιολογικαὶ θέσεις τῆς Ρωμαιοκαθολικῆς Ἐκκλησίας, ὡς δογματικὸν πρόβλημα τοῦ θεολογικοῦ διαλόγου, p. 110, n. 562.

2. The order in the hierarchy of those taking part was: Nectarius of Constantinople, Theophilus of Alexandria, Flavian of Antioch, Palladius of Caesarea in Cappadocia, Gelasius of Caesarea in Palestine, Gregory of Nyssa, Amphilochius of Iconium, Paul of Heraclea, Arabianus of Ancyra and Ammonius of Hadrianople (v. POLAKES, op. cit., p. 85).

Hadrianople sat as simple members of the council. Not wishing to censure the dead, the council did not judge the case; both contestants for the see had meanwhile died. It nevertheless decreed that no bishop should be tried or deposed by two or three bishops only, but that such action should require the resolution of the "entire synod" of the bishops of the province.<sup>1</sup>

Nectarius' presiding over the council was the first instance, the first step in the practical application of Constantinople's prerogatives, and consolidated the hierarchical order as it had been defined in canon three of the Council of Constantinople.<sup>2</sup>

The second instance was the case of the Bishop of Colonia, Bosporius, which Gregory of Nazianzus referred to Nectarius' judgement. Gregory's aim was both to prohibit recourse to the civil courts to settle ecclesiastical affairs, and to resolve the disputes over the parishes.<sup>3</sup>

The third instance was the case of Gerontius, a deacon in Milan, who was punished by his bishop, Ambrose, and took refuge in Constantinople, where he succeeded in obtaining the Court's favour, and in being elected Metropolitan of Nicomedia. He was consecrated by Helladius of Caesarea in Cappadocia. This naturally annoyed Ambrose intensely. However, instead of protesting to the Bishop of Caesarea, the Exarch of Pontus, he resorted to Nectarius of Constantinople and asked him to depose Gerontius. Nectarius intervened at once. It is irrelevant that his intervention was ineffectual — not because of Helladius' activity, but because of that of the people of Nicomedia —; the case clearly shows that the Bishop of Constantinople, as early as Nectarius' time at least, not only intervened and exercised real power over Cappadocia and Bithynia, provinces of the diocese of Pontus, but also through the *Ἐνδημοῦσα Σύνοδος* (*Resident Synod*) of which he was the central figure was made the arbitrator and judge of the entire Church of the East.<sup>4</sup>

1. V. GRUMEL, *Les Regestes des Actes du Patriarcat de Constantinople*, I, fasc. 1, p. 6. Cf. J. MANSI, III, 852 and J. HAJJAR, *op. cit.*, p. 57.

2. Nectarius of Constantinople's presiding at the council in spite of the presence of Theophilus of Alexandria and Flavian of Antioch was a natural consequence of the prerogatives of honour of the throne of New Rome. For this reason Pope Siricius' referring the question to Theophilus of Alexandria was not taken into consideration, nor was the competence of Flavian of Antioch (PHEIDAS, *op. cit.*, 245).

3. GREG. NAZ., *Ep.* CLXXXV to Nectarius, PG XXXVII, 304.

4. SOZOMEN, *op. cit.*, VIII, 8. PG XLVII, 1529-32. J. PALANQUE, *Saint Ambroise*, pp. 255-259. DUCHESNE, *Origines du Culte chrétien*, pp. 32-42. A. FLICHE and V. MARTIN, *op. cit.*, III, 442. MONACHINO, *op. cit.*, 273.

Pheidas maintains that the facts indicate that immediately following the Council



If Nectarius' tenure of the see of Constantinople represents the first step, that of his successor, John Chrysostom, brought further historical progress and was undoubtedly the next real stage in the practical application of Constantinople's *πρεσβεία*.

St. John Chrysostom, acting as first bishop of the East, extended his evangelical activity in a quite remarkable manner, including even the barbarian peoples. He applied himself at the same time to reforming the churches everywhere: οὐ μόνον τὴν ἐπ' αὐτὸν ἐκκλησίαν, ἀλλὰ . . . καὶ τὰς πανταχοῦ ἐπαγορευοῦν ἐσπούδαζεν.<sup>1</sup> He worked relentlessly and in a sense humanistically and broadmindedly for the civilization of the Goths,<sup>2</sup> the Scythians,<sup>3</sup> and other barbarian nations.<sup>4</sup>

As president of the Resident (*Ἐνδημοῦσα*) Synod in Constantinople, he examined a *libellus* laid by Eusebius of Valentianopolis against Antoninus of Ephesus, comprising seven *chapters* of charges. To start with, Chrysostom recommended that the accusation should be withdrawn, but as the plaintiff persisted, he referred the reconciliation of the two parties, who were both in Constantinople, to Bishop Paul of Heraclea. Nevertheless when Chrysostom and the other bishops taking part in the synod were leaving the Baptistery where the sessions were held and were going into the church to celebrate the Eucharist, Eusebius presented him with a new *libellus* in front of the people, and implored him to investigate the char-

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of Constantinople, the throne of Constantinople was aware of the exceptional authority it wielded in the sphere of consecrating and judging bishops. This consciousness cannot be regarded as totally without support in the canons, otherwise Ambrose, who was so involved in the schism in the Church of Antioch, would have had recourse to the Bishop of Caesarea, and not, as he did, to the Bishop of Constantinople, and would have demanded adherence to the canons. It was the throne of Rome's *singularis auctoritas*, deriving from the prerogatives of honour, which motivated Ambrose's action at a time when the authority of the Constantinopolitan throne had not as yet been imposed *de facto* over the entire diocese of Pontus. Pheidas considers that Palanque (op. cit., pp. 255 f.), who claims these actions of Nectarius prove that the throne of Constantinople held sway in Cappadocia and Pontus, limits Constantinople's more general authority, because he makes it dependent exclusively on known instances in practice. Pheidas points out that Constantinople's authority in the East was general, but gradually came to include an analogous power in the consecration and judgement of bishops (PHEIDAS, op. cit., p. 244).

1. SOZOMEN, op. cit., VIII, 3.

2. POLAKES, *Ἡ Ἑλληνικὴ Ἐκκλησία καὶ ὁ κόσμος τῶν Βαυβάρων*, p. 24.

3. THEODORET, *Eccl. Hist.*, V, 3.

4. MARK THE DEACON, *Life of Porphyry* . . . ed. H. GREGOIRE AND M.-A. KY-GENER, p. 24. POLAKES, *Ἰστ. προϋποθέσεις* . . . , p. 86.

ge. Chrysostom went back again into the Baptistery, and after conferring with the bishops urged Eusebius to consider carefully before the *libellus* was read. Eusebius remained obdurate, and it was accordingly read. The "most senior of the bishops" suggested to John Chrysostom that the investigation should begin with the most serious charge, that of simony. Antoninus and his accomplice bishops were present, and denied the charge. Chrysostom resolved to go to Asia to cross-examine the witnesses. Antoninus, however, through the Court succeeded in preventing his going. Three bishops were sent instead. Meanwhile Antoninus died, and the clergy of the Church of Ephesus and the bishops of Asia passed a vote demanding that John Chrysostom should go to Asia to lay down an "order issued of God" (τύπος θεόπεμπτος) on the Ephesian Church which for long had suffered from the misrule of unworthy pastors. When Chrysostom accompanied by other bishops arrived in Ephesus, he convoked the bishops of Lydia, Asia and Caria, seventy in number. A large number of Phrygians also attended. He consecrated his deacon Heraclides as Bishop of Ephesus and deposed the six bishops who had bought their sees.<sup>1</sup>

John Chrysostom thus acted as supreme judge both in Asia and in Bithynia, where he deposed the Metropolitan of Nicomedia, Gerontius; this was what Ambrose of Milan had earlier pressed Nectarius to do.<sup>2</sup> John Chrysostom's rôle also explains why the Long Brothers took their

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1. PALLADIUS, *Dialogus de vita S. J. Chrysostomi*, PG XLVII, 5-82. Palladius' sympathetic evidence is of unquestionable historical value, because he was an eye witness of most of the events he narrates. v. J. DUMORTIER, 'La valeur historique du Dialogue de Palladius et la chronologie de St. Jean Chrysostome,' in *Mélanges de Science religieuse* 1951, pp. 51-56 and R. COLEMAN NORTON, *Palladii Dialogus de vita S. Joannis Chrysostomi*, Cambridge 1928, summarized by L. Bréhier in *Revue Historique* 1930, 304-305. Again, both Socrates and Sozomen each set aside a whole book of their Ecclesiastical Histories to Chrysostom. Theodoret similarly refers to Chrysostom's wide jurisdictional activity. Chrysostom's actions in general, and in particular the case of Antoninus of Ephesus, have been treated by many historians, both Eastern and Western: LE NAIN DE TILLEMONT, op. cit., X, 158-161. HERGENRÖTHER, *Photius Patriarch von Konstantinopel*, I, pp. 39 f. C. HEFELE and H. LECLERCQ, op. cit., II, pp. 137 f. BATIFFOL, op. cit., pp. 295 f. G. BARDY in A. FLICHE and V. MARTIN, op. cit., IV, 134-135. C. BAUR, *Der heilige Johannes Chrysostomos und seine Zeit*, II, 119-134. A. MOULARD, *St. Jean Chrysostome, sa vie, son oeuvre*, pp. 302-307. G. KONIDARES, *Γερ. Ἐκκλ. Ἱστ.* p. 383 and *Ἡ διαμόρφωσις τῆς Καθολικῆς Ἐκκλησίας μέχρι τῶν ἀρχῶν τοῦ ε' αἰῶνος*, pp. 77-79. POLAKES, op. cit., 87-88 f.

2. SOZOMEN, *Eccl. Hist.* VIII, 6, cf. J. MANSI, VII, 293.

case to him as holding, as a result of the council of 381,<sup>1</sup> the first throne of the East.<sup>2</sup>

In Chrysostom, the prerogatives deriving from the third canon of the second Oecumenical Council became a reality: the *προσβεῖα τιμῆς* and the extended jurisdiction of Constantinople not merely over the three dioceses of Pontus, Asia and Thrace as exarchates, but even beyond the frontiers of the Roman Empire. John Chrysostom,<sup>3</sup> can be seen as

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1. PALLADIUS, PG XLVII, 25. SOZOMEN, *op. cit.*, VIII, 13.

2. G. KONIDARES, *Ἡ διαμόρφωσις* . . . p. 78, n. 2.

3. Around 450, Theodoret of Cyrus (PG LXXXII, 1256-1268) writes as if to supplement the first part of Sozomen's observations: "When the great John took over the reins of the Church, he openly condemned the injustices perpetrated by certain people. He advised the Emperor and Empress on what was suitable, he expected the priests to live according to the existing laws, he prohibited those who dared to transgress to enter the palace, saying that they had no need to enjoy the honour of the priests if they did not emulate the life of true priests. And he acted in this providential way not only in that city, but throughout Thrace, which is divided into six provinces, and in all Asia, which is ruled by eleven presidents. He even provided laws for Pontus, which has the same number of presidents as Asia." On Nestorius (428-431), he writes: "He was entrusted with the presidency of the Catholic Church of the Orthodox who are in Constantinople, and no less of the whole oecumene" (*Haereticarum Fabularum Compendium*, IV, 12, PG LXXXIII, 433).

4. Contemporary Western historians view differently Chrysostom's jurisdictional actions in the Asian diocese. S. Vailhé (DTC III, col. 1323) considers his involvement was unjustified and was a usurpation of power. Cayré (*Patrologie et Histoire de Théologie* I, p. 455) rules out any idea of personal ambition and attributes Chrysostom's intervention in the pastoral affairs of the diocese of Asia, over which he had no direct prerogatives of power, either to his zeal or to his having submitted to the Emperor's wishes. Moulard (*op. cit.*, p. 306) attempts to justify the intervention by attributing it to the strength of the usage instituted in Constantinople by Chrysostom's predecessors and at that time uncontested. C. Baur (*St. Jean Chrysostome et ses oeuvres dans l'histoire littéraire*, p. 139) quotes the second canon of Constantinople which recognized that bishops had a right to intervene in other provinces, provided that they were invited to do so. H. Musset (*Histoire du Christianisme spécialement en Orient*, I, p. 156) admits the charges laid against Chrysostom at the Council of the Oak, and considers that Chrysostom was actively working to increase the power of his see. Bardy (A. FLICHE and V. MARTIN, *op. cit.*, IV, 130) believes that there was a historical requirement recognized by law whereby all relatively important ecclesiastical cases were to be finally resolved in the capital, and that the Bishop of Constantinople would keep for himself the right of intervening in any area where irregularities or disorder arose. Batiffol (*op. cit.*, p. 296), who is always reserved in his judgements, justifies Chrysostom's intervention in the Asian diocese to elect a successor to Antoninus, but he thinks that the start of such an intervention by Constantinople, although occasioning serious canonical reservations, never-

having prepared the way for the work undertaken by the Council of Chalcedon in canon twenty eight. This canon confirmed what had become established practice under John Chrysostom. His successors built on the foundations of the Council of Constantinople as he consolidated them. He was in fact the first proper *Oecumenical Patriarch* before this title came to be applied to the Constantinopolitan throne.<sup>1</sup>

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theless anticipated the establishment of the Constantinopolitan bishop's patriarchal jurisdiction over the dioceses of Asia, Pontus and Thrace and later over the entire East. Hajjar (op. cit., pp. 63-64) considers that Battifol's and Baur's attempts to justify Chrysostom's interventions are not entirely correct, canonical or persuasive.

Finally, Grümel (op. cit., vol. I, 1, p. 16), against some of the writers mentioned above and the orthodox writer B. Stephanides (op. cit., pp. 281-282) considers Chrysostom's position and the actions of the Bishops of Constantinople generally quite differently: "(At the Council of Constantinople) the Bishop of Constantinople not only was detached from the jurisdiction of the Metropolitan of Heraclea upon whom he was dependent, but received at least indirectly — directly, according to Socrates — a special heritage which was to develop into the kernel of the future patriarchal territory, in other words the Province of Thrace. He customarily exercised the prerogative of intervening in other provinces without this being disputed. Thus we do not see anything in the meeting at the Oak with which to accuse Chrysostom of having exceeded his jurisdiction in the grave trial of Ephesus." In note three he writes: "The case of Antoninus of Ephesus, the most important of Chrysostom's episcopate, is not even mentioned in the charges brought against the saint. The charges deal with the way he exercised his jurisdiction, with procedure. He is condemned for having deposed sixteen bishops in one day: the charges do not mention that the deposed bishops belonged to provinces outside his jurisdiction. Only the accusation of Isaicius, which was by no means the most important item in the prosecution, mentions among other things that Chrysostom had consecrated bishops outside his province . . . From all this, it becomes quite clear that whenever there was pretext, the Bishop of Constantinople exercised the patriarchal prerogative before it was recognized by the Council of Chalcedon and guaranteed by the canon." In the dictionary *Catholicisme*, under 'Constantinople', the same scholar writes on this subject: "(To justify the pastoral activity of the Bishop of Constantinople beyond the boundaries of the City and Thrace) it is quite unnecessary to look for motives of ambition to explain certain interventions by the Bishop of Constantinople in these areas (Asia Minor). The cases came to his court by themselves, so to speak. Even St. Ambrose appealed to this court from Milan . . . And St. Chrysostom intervened in Ephesus to try there Antoninus the bishop of the city and the bishops Antoninus had consecrated there through simony, following a request by the clergy of Ephesus and the bishops of Asia." Cf. *Regestes*, art. 29, 15 and GENNADIUS of Heliopolis and Thira, "Ἡ ὁριστική διαμόρφωσις τοῦ Οἰκουμένου Πατριαρχείου," in *Ὁρθοδοξία* 1951, 425-426.

1. G. KONIDARES, *Ἡ διαμόρφωσις . . .* p. 78.

*Eastern Illyricum.*

While the Bishop of Constantinople was gradually consolidating his hegemony over the three exarchates, he was also attempting to extend it over Eastern Illyricum, which comprised most of the Balkan Peninsula: that is to say modern Yugoslavia (excluding Dalmatia, which was part of Western Illyricum), Albania, Western Bulgaria, Greece, Crete and Macedonia. Politically, this area was temporarily annexed to the East as early as 379 - 380, during the reign of Gratian and Theodosius I, and it finally became part of the Eastern Empire after the latter's death in 395.<sup>1</sup>

Naturally the political changes entailed repercussions in the ecclesiastical sphere, marked by the Papal creation of the Vicariate of Thessalonica. It is characteristic that the Pope's naming of the Bishop of Thessalonica as *Apostolic Vicar* for Illyricum followed almost immediately the first annexation of Eastern Illyricum when Theodosius emerged as Emperor.<sup>2</sup> Fearing that the ecclesiastical organization would be adapted to conform to the secular government, and considering the ever increasing difficulties of communication with Illyricum as a result of the barbarian invasions, Pope Damasus decided to name the Bishop of Thessalonica his Vicar in Illyricum, so as to safeguard his prerogatives there.

During the early period, the pontificates of Damasus, Siricius, Anastasius and the early years of Innocent, we have relatively little evidence of the specific activity of the Bishop of Thessalonica as Apostolic Vicar. This is a result of the political upheavals in Illyricum, which prior to 395 was only cut off from the Western Empire for one or two years. Yet when it became more definitely part of the East, after Theodosius' death, Innocent hurriedly renewed the prerogatives his predecessors had granted Thessalonica. He did this first in 402, and then more officially in 412, defining more precisely the prerogatives and duties attaching to the position of Vicar. At first the Bishops of Constantinople do not appear to have involved themselves in the affairs of Eastern Illyricum. In 420, however, came the first intervention of the Bishop of Constantinople in the affairs of the Illyrian churches, after bishops of that area had appealed to him.

The newly elected Bishop of Patras, Perigenes, had not been accepted by the laity of his church and was translated in 419 to the see of Corinth, where he was accepted by both clergy and laity. This annoyed certain

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1. G. OSTROGORSKY, *Geschichte des Byzant. Staates*, p. 44. G. KONIDARES, *Γεν. Έκκλ. Ιστ.* p. 384. GENNADIUS of Heliopolis and Thira, op. cit., pp. 260-261.

2. V. MONACHINO, op. cit., p. 278.

bishops of the area, who protested to the Apostolic Vicar, Rufus of Thessalonica, so strongly that their disapproval reached Pope Boniface. At the same time the clergy of Corinth appealed to the Pope and asked him to approve the translation. While the Pope was waiting for Rufus' decision prior to giving an answer to the Corinthians and the bishops opposing the translation, the plaintiffs took the case to Atticus of Constantinople, who accepted the appeal and recommended the bishops to examine the case in synod in Corinth. Meanwhile, on the fourteenth of July 421, Theodosius II promulgated a decree to the Praefectus of Illyria that in the Illyrian provinces the ancient customs (*τὰ ἀρχαῖα ἔθνη*) and the ecclesiastical canons should prevail and that disputed questions were to be examined by the bishops who came under the jurisdiction of the Bishop of Constantinople, since that city had the privileges of the elder Rome.<sup>2</sup> Some sources claim that this decree followed suggestions and pressure from Atticus.

This provoked the Pope to protest to the Western Emperor Honorius, who intervened with his nephew Theodosius, and apparently succeeded in having the decree revoked. It should be mentioned that when Theodosius complied with this request, he threw all responsibility for the original decree on the bishops of Illyricum, and not on Atticus' ambition.

Yet even after the decree had been revoked, there were bishops who still preferred to take their provincial questions to Constantinople, which Rome naturally did not appreciate. Pope Sixtus III sent a request to Proclus of Constantinople not to receive any more Illyrian bishops visiting him without the *epistola formata* of the Bishop of Thessalonica and not to allow canonical transgressions of any kind.<sup>3</sup>

Apparently the Illyrian bishops continued to appeal to Constantinople,<sup>4</sup> following the example of the bishops of the other dioceses. This is to be considered natural for three reasons. Firstly the administrative reorganization and cutting off of Illyricum from the Western half of the Empire provided a pretext. Secondly the liturgical language in the provinces of Eastern Illyricum was Greek, and its bishops, particularly those of Macedonia and all the provinces of Greece, spoke Greek. Finally the

1. Ibid. p. 280.

2. *Codex Theodosianus*, XVI, II, 45 and *Codex Just.*, I, II, 6. Cf. L. DUCHESNE, *Eglises séparées*, pp. 239, 259. S. VAILHE, 'Annexion de l'Illyricum,' in *Echos d'Orient* 1911, 30.

3. PL L, 612-613.

4. A. FLICHE and V. MARTIN, *op. cit.*, IV, p. 297. HAJJAR, *op. cit.*, p. 73, n. 77.

peoples involved were generally nearer to and in every respect more familiar with the throne of Constantinople.<sup>1</sup>

*Consolidation of Jurisdiction over the Exarchates.*

In any case Constantinople constantly exercised jurisdiction over the churches of the East. Socrates tells us that Atticus went to Nicaea to consecrate a bishop for the city. He also profited from the imperial decree "ordering that no bishop is to be consecrated against the wishes of the Bishop of Constantinople,"<sup>2</sup> and consecrated the monk Silvanus Bishop of Philippopolis in the Exarchate of Thrace. Silvanus was subsequently translated to the see of Troas. Atticus succeeded in extending his ecclesiastical responsibility as far as Synnada in Phrygia,<sup>3</sup> which shows that the provisions of Theodosius II's decree applied throughout the diocese of Asia.

Atticus was succeeded by Sisinius (426-7) who presided over a synod at which Theodosius of Antioch was also present. Sisinius' ambitious successor Nestorius (428 - 431) took pains, according to Socrates, to regulate the ecclesiastical affairs of Asia, Lydia, Caria and the Hellespont,<sup>4</sup> and Theodoret relates that Nestorius was entrusted with the *προεδρεία* not only of the Church of Constantinople, but over *σχεδὸν πάσης τῆς Οἰκουμένης*.<sup>5</sup>

Of no less historical importance was the intervention of Maximian of Constantinople (431 - 434) in Southern Epirus (*Epirus vetus*). After Nestorius had been deposed by the Council of Ephesus, seven bishops were sent to Constantinople to consecrate Maximian. The new bishop, in consultation with the resident bishops, resolved to stop the activity of the Nestorians in Southern Epirus. The Resident Synod wrote to the bishops there:

Ἐδικαιώσαμεν ἅμα τῷ καταστῆναι τὸν τὰ πάντα θεοφιλέστατον καὶ ἀγιώτατον ἐπίσκοπον κύριον Μαξιμιανὸν τῆς μεγάλης πόλεως, τὸ γράμμα τοῦτο πρὸς ὑμᾶς, σὺν αὐτῷ διαπέμψασθαι.

1. Theodore, Bishop of the Echinades, who was present at the Council of Rome of December 431, acted as interpreter. v. GENNADIUS of Heliopolis and Thira, op. cit., p. 261.

2. *Cod. Theodos.* XVI, XI, 45.

3. SOCRATES, op. cit., VII, 36, PG LXVII, 821-825.

4. Ibid. VII, 29.

5. THEODORET, *Haeticarum Fabularum Compendium*, PG LXXXIII, 433.

With this letter they also sent a copy of the synodical letter of the Council of Ephesus.<sup>1</sup> This line of action was clearly based on Theodosius II's decree of 421.

Maximian also restored order on the island of Tenedos. The Nestorian Anastasius had been elected bishop there, departing from the ancient custom whereby the Bishop of Lesbos participated in the election. For this reason Anastasius was deposed by the Resident (*Ἐνδημοῦσα*) Synod in Constantinople, and Maximian in a letter to the clergy and people of Tenedos recommended obedience, "following the ancient custom, to the Bishop of Lesbos."<sup>2</sup>

Maximian deposed the four Nestorian bishops in the East, Helladius of Tarsus, Euthymius of Tyana, Dorotheus of Marcianopolis and Himerius of Nicomedia<sup>3</sup> and intervened to reconcile Cyril of Alexandria and John of Antioch. In 432 the Resident Synod in Constantinople resolved, with the Emperor's consent, that Cyril and John should go to Nicomedia for negotiations on the restoration of dogmatic unity. The meeting did not take place, but Cyril and John were finally reconciled, and Acacius of Berrhoea informed Maximian of this. All the same, new historical events were illustrating the exceptional position occupied by the Church of Constantinople.<sup>4</sup>

Proclus had been an unsuccessful candidate when Sisinius was elected Bishop of Constantinople, and Sisinius had elected him Bishop of Cyzicus to console him. Proclus suffered failure here as well, because the inhabitants did not accept him, maintaining that the decree which prescribed that no bishop was to be consecrated against the wishes of the Bishop of Constantinople<sup>5</sup> referred exclusively to the person of Atticus. After Maximian's death, however, Proclus succeeded in realizing his ambition, and as Bishop of Constantinople he maintained the same position as his predecessor against the Nestorians and successfully exercised his jurisdiction over the churches of the exarchates, extending his activity as far as territory belonging to the diocese of Antioch.

He received a delegation of Armenians which came to Constantinople to ascertain the truth about the writings of Theodore of Mopsuestia, and in answer he sent them a *Tomus* of supreme doctrinal importan-

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1. J. MANSI, V, 257.

2. E. SCHWARTZ, *Concilium universale Chalcedonense*, I, 1, 5-8, p. 37.

3. J. MANSI, op. cit., V, 826, 866.

4. POLAKES, op. cit., pp. 91-92.

5. SOCRATES, op. cit., VII, 28.



ce.<sup>1</sup> In it he condemned the strict separation in the person of Christ between the Son of God and the man, preserved the two natures unconfused and accepted the unity of the person:

ὁμολογοῦμεν ὅτι ὁ Θεὸς Λόγος ὁ εἰς τῆς Τριάδος ἐσαρκώθη . . . ὁμολογῶ μίαν ὑπόστασιν τοῦ Θεοῦ Λόγου σεσαρκωμένην.<sup>2</sup>

He also sent the *Tomus* to the bishops of the East for approval, accompanied by an exhortatory letter from the Emperor. The *Tomus*, which bore the signatures of John of Antioch and of other Eastern bishops, was accepted enthusiastically by the Armenians.<sup>3</sup> Socrates writes that during the tenth year of Theodosius II's reign "Firmius, Bishop of Caesarea, died," and the Caesareans appeared before Proclus "seeking a bishop." Proclus chose the senator Thalassius, who had once been Praefectus of Illyricum,<sup>4</sup> and consecrated him Bishop of Caesarea. He also consecrated Eusebius of Ancyra and Basil of Ephesus.<sup>5</sup> He examined in synod the case against Idduas of Smyrna and declared him not guilty.<sup>6</sup> He reestablished Athanasius as Bishop of Perrha, and later recognized the election of Irenaeus, an old friend of Nestorius, as Bishop of Tyre.<sup>7</sup> In the case of the two claimants to the see of Ephesus, Bassian and Stephen, he recognized Bassian. This indicates that where elections of diocesan exarchs were disputed, Constantinople would resolve the case on appeal, as *ἔχων τὸ κύρος* (*having the authority*), as the Bishop of Bizya said during a session of the Council of Chalcedon.<sup>8</sup>

From the above it is clear that:

1. The same general principle predominated here as had at the Coun-

1. A. FLICHE and V. MARTIN, op. cit., IV, p. 204. PG LXV, 850. J. MANSI, V, 431. Ch. PAPADOPOULOS, *Ἱστορία Ἐκκλησίας Ἀντιοχείας*, p. 360.

2. Cyril used the expression *μία φύσις*, which gave rise to numerous misinterpretations, for the word *φύσις* could be interpreted both abstractly and concretely. The word *ὑπόστασις*, meaning person, was less dangerous. Cf. POLAKES, op. cit., p. 93.

3. *Synodicon adversus tragaediam Irenaei*, CCXIX, PG LXXXIV, 849-850.

4. SOCRATES, op. cit., VII, 48, PG LXVII, 840-842.

5. J. MANSI, VII, 293. v. also P. BATTIFOL, *L'affaire de Bassianos d'Ephèse*, pp. 385-394, and 'Un épisode du Concile d'Ephèse,' *Mélanges Schlumberger*, 29-39.

6. A. FLICHE and V. MARTIN, op. cit., IV, 207.

7. THEODORET, *Ep.* LXVII, cf. TILLEMONT, *Mémoires* . . . vol. XIV, pp. 711-713 and A. FLICHE and V. MARTIN, op. cit., IV, 207. T. V. BARSOV, *Konstantinopolskij Patriarch i ego vlast nad Rousskojou Tserkovjou*, p. 43 and P. V. GIDULIANOV, *Vostotchnye Patriarchi v period piervykh tchetvrioch Vselenskikh Soborof*, p. 157.

8. J. MANSI, VII, 284.

cil of Nicaea and was subsequently to be formulated at Chalcedon, whereby the canons did not result empirically from historical events in the life of the Church. Rather, the way the Church deliberately acted and conducted its life gradually led to the enacting of canons, and these accurately express how the Church subsequently came to develop its consciousness of its past life and of its handling of historical events.

2. The Fathers of the second Oecumenical Council followed this principle in canon three, when they recognized and confirmed the historical situation automatically created by the new requirements of Christian expansion, by bestowing upon the Church of Constantinople as the spiritual centre of the new Graeco-Roman Empire its proper position and its proper *πρεσβεία*.

3. Directly after the second Oecumenical Council, the influence and authority of the Bishop of Constantinople began to increase. Either when invited to, or on his own initiative when ecclesiastical requirements demanded, he would intervene in the three dioceses of Pontus, Asia and Thrace, and even in the affairs of the thrones of Rome, Alexandria and Antioch.

4. The following factors contributed to the rise of Constantinople's authority, and to the extension of his jurisdiction:

a) The importance for the Christian world of the new capital and the new historical period marked by his activity.<sup>1</sup>

b) His activity as intermediary between the Emperor and the bishops coming to the capital to settle their provincial affairs.<sup>2</sup>

c) The existence of the Resident (*Ἐνδημοῦσα*) Synod in Constantinople, which increased the prestige of the bishop of the capital in the eyes of those pleading before him.<sup>3</sup>

d) The conception and grandeur of the patriarchal office, which exercised special fascination in the East. As a result, the churches which were not subordinate to the Patriarchates of Alexandria and Antioch were naturally attracted to Constantinople, in the hope of joining together around a new and stronger patriarchate.<sup>4</sup>

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1. POLAKES, 'Ἡ Ἑλληνικὴ Ἐκκλησία καὶ ὁ κόσμος τῶν Βαρβάρων,' in *Ἐπιστημονικὴ Ἐπετηρὶς Θεολογικῆς Σχολῆς Θεσσαλονίκης*, 1953, 477.

2. ZIEGLER, *Versuch einer pragmatischen Geschichte der Kirchlichen Verfassungsformen in den ersten sechs Jahrhunderten der Kirche*, pp. 189-190.

3. J. MANSI, VI, 648 f. and TILLEMONT, op. cit., XIV, p. 500 f. HERGENRÖTHER, op. cit., II, 1, 38. HAJJAN, op. cit., p. 73.

4. V. MONACHINO, op. cit., p. 289.

e) The personal qualities of some of the Bishops of Constantinople, and in particular of John Chrysostom. <sup>1</sup>

f) The cultural element: while in Egypt, Coptic literature was being developed, and in the diocese of Oriens, Syriac and Armenian, the areas of Thrace, Asia and Pontus were continually being saturated and refined by the Greek language and Greek education. This cultural affinity greatly influenced the orientation of the bishops of the three dioceses towards Constantinople, which was already becoming the most important centre of Greek *Παιδεία*. <sup>2</sup>

Yet while it may be true that between 381 and 451 the Bishops of Constantinople really exercised patriarchal *ἐξουσία* (power) over the churches of the three dioceses, it is equally undeniable that this *ἐξουσία* as wielded in practice, the application, that is, of canon three of Constantinople, was an irrefutable historical reality. As such it was historically recognized and given canonical corroboration by the Council of Chalcedon, <sup>3</sup> which in both its definitions and canons protected the orthodox faith and exercised considerable influence over the fate of the Catholic Orthodox Church, particularly in the East.

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1. E. PHOTIADES, op. cit., 'Ορθοδοξία 1948, 213.

2. V. MONACHINO, op. cit., p. 289.

3. POLAKES, 'Ιστορικαὶ προϋποθέσεις . . . p. 94.

## Chapter Four

### THE COUNCIL OF CHALCEDON

#### *Why the Council was called.*

The convocation of the Council of Chalcedon was a necessary outcome of the resolutions of the third Oecumenical Council and of the resulting situation in the Church. Above all it was demanded by the appearance of Monophysitism, a heresy that represented the extreme opposite of Nestorianism, the error condemned at the Council of Ephesus.<sup>1</sup> A brief analysis of these factors would seem to be indispensable here and will serve as a natural introduction to the work of Chalcedon.

Against Apollinarius, who by violating the human nature of Christ essentially ended in a Monophysite position, Nestorius was anxious to prevent the confusion of the two natures of the incarnate Christ. Yet he divided them to such an extent that he destroyed their hypostatic union by rejecting their true, natural unity and accepting instead a mere *συνάφεια* (*conjunction*) of the two natures.

The champion in the struggle against Nestorius was Cyril of Alexandria, the principal figure at the Council of Ephesus. Cyril's successor, however, Dioscorus, turned away from the Christological line marked out by Cyril, and was found to hold the same ideas as the instigator and leader of the new heresy of pure Monophysitism, Eutyches, and acted in his defence.

Eutyches was a priest of the Church of Constantinople and archimandrite (abbot) of one of the monasteries there. As opposed to Nestorius, who adhered to a dualist philosophy and exalted the two natures to the detriment of the unity of the person, Eutyches taught that the body taken by the Lord in the incarnation was not a body *homoousios* (consubstantial) with that of His Mother Mary, and with ours, but was different and proper to the Godhead.

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1. J. KARMIRS, 'Η Δ' Οἰκουμενικὴ Σύνοδος καὶ ἡ μέλλουσα Πανορθόδοξος Πρωτοσύνοδος, p. 6.

This heretical view of Eutyches' provoked justifiable protests and reactions; Domnus of Antioch denounced it before the Emperor Theodosius II, and Theodoret wrote his *Eranistes seu Polymorphus*<sup>1</sup> against it. Eusebius of Dorylaeum also indicted Eutyches as a Monophysite heretic before the Resident (*Ἐνδημοῦσα*) Synod in Constantinople on the eighth of November 448. Eusebius, an old friend of Eutyches' since 430, having fought alongside him against Nestorius, had been watching his friend's movements and heresy, and had attempted to persuade him to stop teaching it.<sup>2</sup> When his friendly approach failed, Eusebius saw it as his duty to indict Eutyches before the Resident (*Ἐνδημοῦσα*) Synod in Constantinople, of which Eusebius was then a member, and on the eighth of November he delivered a *libellus* to the synod. He asked the president, Flavian of Constantinople, that it should be read and inserted in the Acts of the synod,<sup>3</sup> so as to effect the canonical examination and trial of Eutyches as a heretic.

The synod held repeated sessions to examine the charge, and heard the accused declare categorically:

<p>ὁμολογῶ ἐκ δύο φύσεων γεγενῆ- σθαι τὸν Κύριον ἡμῶν πρὸ τῆς ἐνώσεως, μετὰ δὲ τὴν ἔνωσιν μίαν φύσιν ὁμο- λογῶ.</p>	<p>I confess the Lord to have been of two natures before the union, but after the union I confess one nature.</p>
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Eutyches refused to comply with the synod's demand that he should renounce this doctrine. The synod then condemned Monophysitism, but without making any impression upon Eutyches. In fact, encouraged by his powerful patrons, the Empress Eudocia and the influential prime minister Chrysaphius, he had prevailed upon the goodwill of Theodosius II and made an appeal against his condemnation to the Bishops of Rome, Alexandria and Jerusalem. Flavian of Constantinople, however, had already sent the Acts of the synod of 448 to these bishops, because the synod had dealt with a doctrinal question, which as such concerned the Church as a whole. Pope Leo sent in reply his famous dogmatic letter, known as the *Tome of Leo*, composed, it would appear, by the Latin theologian Prosper of Aquitaine on the basis of the Acts of the Resident Synod of

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1. PG LXXXIII, 28-317. This includes three dialogues to reject the three corresponding Monophysite heresies: that "God the Word is unchangeable," that "the union is unconfused," and that "God the Word is impassible."

2. J. MANSI, VI, 656.

3. The Acts or minutes of the Resident Synod, which were read during the Council of Chalcedon and incorporated in its Acts, have been preserved in their entirety, J. MANSI, VI, 652-748.

448 and the Christological doctrine of Cyril and Theodoret. The Emperor Theodosius, for the sake of ecclesiastical peace, or rather with the aim of clearing the name of his protégé Eutyches, set about the process of convoking a great council in Ephesus, appointing Dioscorus of Alexandria as president. He justified this by saying that Flavian ought to be excluded from the presidency, on the grounds of his being Eutyches' opponent, as if Dioscorus had been designated president for his impartiality. Dioscorus had in fact already declared that he supported Eutyches and was no better disposed to Flavian than his predecessor Cyril had been towards Nestorius, or Theophilus had been towards John Chrysostom. He accordingly spared no pains in his attempt to have Flavian condemned at the council, and thus to humble the see of Constantinople in the same way as his two predecessors had done.<sup>1</sup>

Following the imperial decree, a council convened in Ephesus on the first of August 449. A fairly large number of clerics attended, yet the council was unprecedentedly impetuous and violent, and was subject to pressure by the president, Dioscorus, and his numerous partisans. The most prominent of these were the so-called *παράβολοι* — the name refers to those that bury the dead during epidemics — and a band of profane and fanatical monks, led by the infamous archimandrite, Barsumas of Samosata. The council took place amidst appalling uproar, with recriminations and intimidation prevailing, condemned Flavian's orthodox teaching of the two natures in Christ, and approved the doctrine of one nature promulgated by Eutyches. Eutyches was completely vindicated, and instead Domnus of Antioch, Theodoret of Cyrus, Eusebius of Dorylaeum and above all Flavian himself were condemned and deposed. Flavian was even assaulted in the middle of the council by the hired partisans of Dioscorus. A little later he was exiled by the Emperor and died as a result of his maltreatment. Because of the violence and rowdiness it perpetrated, the council has aptly been entitled "The Robbers' Synod," and has gone down in history as such.<sup>2</sup>

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1. J. PANAGHIOTIDES, 'Τὸ δογματικὸν καὶ κανονικὸν ἔργον τῆς Δ' Οἰκουμένης Συνόδου,' in 'Ορθοδοξία (1951) 496-497.

2. At the first session of the Council of Chalcedon, those who had taken part in the Robbers' Synod certified before the Fathers of the Council that when the resolutions of that Synod were taken, "no one gave their consent; it was done with violence, with violence and injuries; we signed a *carte blanche*. We were threatened with deposition; there were soldiers present with cudgels and swords, and we were afraid of the cudgels and swords. What kind of a synod is it where there are swords

Vociferous protests were made against the council throughout the orthodox world, and there was a general demand that its heretical resolutions should be annulled and repudiated. To express the indignation of the orthodox world and its disapproval of the Robbers' Synod, two successive synods were held, one in Rome in 449 under Leo, and one in Constantinople convened in 450 by Flavian's successor Anatolius.

Both these synods repudiated the events at Ephesus, and condemned Eutyches and his adherents. Yet it was realized, particularly in the Christian East, that an Oecumenical Council would have to be called if the shattered unity of the Church were properly to be restored. Fortunately Theodosius' successors Marcian and Pulcheria also realized this, and decided to convoke the fourth Oecumenical Council so as to satisfy the general demand of the clergy and people, with the aim of conclusively settling the doctrinal question, and of resolving the outstanding social and administrative questions of the Church.

#### *The Convocation of the Council.*

When Pope Leo wrote to the Emperor, he requested that the Oecumenical Council should be postponed until a more suitable time because of Attila's invasions, which were causing chaos for the inhabitants of the West, making it necessary for the bishops to stay close by their flocks.

At about the time that the Pope sent his letter, the Emperor Marcian issued a decree summoning all the bishops of the Empire to a council that was to meet in Nicaea on the first of September 451.<sup>1</sup>

Marcian had reckoned on being present himself at the start of the council, but the military preparations against Attila prevented his attending the opening session. Most of the members of the council<sup>2</sup> arrived in Nicaea in time. Dioscorus hurried there, accompanied by large numbers of clergy and monks, and was one of the first to arrive. During this opening session he profited by the Emperor's absence to try and

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and cudgels present? For this reason Dioscorus took soldiers; he was revealed as the murderer. The soldiers arrested Flavian" (from J. MANSI, VI, pp. 563-938 and E. SCHWARTZ, *Acta Conciliorum Oecumenicorum* II, 1, 1, pp. 55-196).

1. S. MELIAS, *Τῶν Ἁγίων Συνόδων τῆς Καθολικῆς Ἐκκλησίας τῶν ἀνὰ τὴν Οἰκουμένην συναθροισθεισῶν, Οἰκουμενικῶν τε καὶ Τοπικῶν, νέα καὶ ἀναθεωρημένη ἀνασκόπησις*, vol. II, p. 38.

2. Our sources differ on the number of people present at the council. In its letter to Pope Leo, the council mentions 520 bishops. In his letter CII, the Pope refers to 600 bishops present at the council (v. J. MANSI, XI, 148 and 182).

repeat with the partisans he had brought with him what he had perpetrated two years earlier at Ephesus. In other words he attempted at Nicaea once again to obtain the conciliar majority by force, by a process of intimidation, uproar and threats. This process was applied by his partisans both outside the council and during its sessions.<sup>1</sup>

Dioscorus' aims and threatening moves seriously disconcerted the council and led its members to take the matter to the Emperor and to implore his active protection against disgraceful and sacrilegious incidents. As Marcian was absent from Constantinople, the Empress Pulcheria wrote on his behalf to the Procurator of Bithynia, commanding him to expel all who had come without invitation, as well as clergy and laity who were not delegates, and any suspect elements. The Fathers of the council were delighted to receive a few days later a decree from the Emperor transferring the council from Nicaea to Chalcedon, which was nearer the capital. At the same time, the Emperor promised to leave temporarily his personal supervision of the preparations for war, so as to be present in person at the council. As a result, the council was transferred to Chalcedon, and Marcian arrived in time to be present at the first session there.

The sessions were held in the Martyrium of Chalcedon, the Church of St. Euphemia, and lasted for twenty five days, from the eighth of October to the first of November. Whenever the Emperor was present, he sat in the middle of the church, in front of the sanctuary rail. In his absence, his place was taken by officers representing him and the Senate, chosen from amongst the highest state officials. Although these officers did not intervene when the discussions were purely doctrinal, they nonetheless did essentially direct the work of the council; they kept an eye on the progress of the discussions, maintained order, and ensured that all participants had freedom of opinion and expression.

On either side of these officers sat the bishops. The Papal Legates and then Anatolius of Constantinople, Maximus of Antioch, the Exarchs of Asia, Pontus and Thrace and the bishops accompanying them sat in this order on the left hand side. On the right sat Dioscorus of Alexandria, Juvenal of Jerusalem, and the bishops of Egypt, Palestine and Illyricum who supported these two prelates and Eutyches. In the centre of the church was placed the Book of the Gospels.<sup>2</sup>

The first session<sup>3</sup> took place on the eighth of October and was spent

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1. PANAGHIOTIDES, *op. cit.*, p. 498.

2. J. MANSI, V, 380.

3. J. MANSI, VI, 563-938 E. SCHWARTZ, *op. cit.*, II, 1, 1, pp. 55-196.



examining charges against Dioscorus of Alexandria concerning incidents of violence at the Robbers' Synod. This last was officially repudiated, and once the reading of the account of the uncivilized scenes at Ephesus was finished, a significant move took place. Led by Juvenal of Jerusalem, most of those who had been compelled at the Robbers' Synod to give a blank cheque to its arbitrary resolutions repudiated it, and asked the mercy and forgiveness of the Oecumenical Council. To demonstrate their repentance, they left their places on the right, with Dioscorus, and crossed over to the other side.

The second session <sup>1</sup> took place on the tenth of October and involved the doctrinal question. First of all the following documents were read and ratified: the Creeds of Nicaea and Constantinople, the letters of Cyril of Alexandria to Nestorius and John of Antioch containing the teaching of the third Oecumenical Council, <sup>2</sup> and the Tome of Leo. <sup>3</sup>

The third session <sup>4</sup> carried on directly from the first and was held on the thirteenth of October. The charges against Dioscorus were pressed, and a verdict was issued condemning him. He was sentenced to be deposed for having perpetrated the outrages in Ephesus, and for supporting the heresiarch Eutyches — not so much in his heresy, as in contravening the canons. <sup>5</sup>

The fourth session was <sup>6</sup> the continuation of the second and took place on the seventeenth of October. It was in this session that the council expressed its opinion that the Tome of Leo "was in harmony" with what had been resolved at the first three Oecumenical Councils. The council then received back those bishops who had collaborated with Dioscorus at the Robbers' Synod, but now repented and accepted the teaching of Chalcedon: Juvenal of Jerusalem, Thalassius of Caesarea, Eusebius of Ancyra, Eustathius of Berytus and Basil of Seleucia. The Egyptian bishops, however, announced that they accepted the council's teaching, but that until the election of the new Bishop of Alexandria they could not, in accordance with their convictions, sign Leo's letter, and they begged the council to agree to this. <sup>7</sup>

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1. J. MANSI, VI, 938-976. E. SCHWARTZ, *op. cit.*, II, 1, 2, 69-94.

2. J. MANSI, VI, 660-673. E. SCHWARTZ, *op. cit.*, II, 1, 2, 104-111.

3. J. MANSI, V, 1565-1289. E. SCHWARTZ, *op. cit.*, II, 1, 1, 10-20.

4. J. MANSI, VI, 976. E. SCHWARTZ, *op. cit.*, II, 1, 2, 67.

5. KARMIRIS, *op. cit.*, p. 25.

6. J. MANSI, VII, 1-97. E. SCHWARTZ, *op. cit.*, II, 1, 2, pp. 84-121.

7. KARMIRIS, *op. cit.*, p. 26.

The fifth session, regarded as the most important of the council, took place on the twenty-second of October. In this session the council did its main work, the condemnation of both the extreme Monophysitism of Eutyches and the extreme Dyophysitism of Nestorius, and completed the Christology of the Council of Ephesus by formulating the new *Definitio Fidei*.<sup>1</sup>

The sixth session<sup>2</sup> took place on the twenty-fifth in a mood of festivity and rejoicing, because Marcian and Pulcheria arrived with a great entourage. The *Definitio Fidei*, which had been unanimously accepted by all the Fathers in the previous session, was read and ratified by them in the presence of the imperial couple. When Marcian asked if the *Definitio* which had just been read had the consent of all the Holy Fathers, they all cried:

This is what we all believe: one faith, one doctrine. We all signed consenting. We are all orthodox. This faith has saved the world (*ὁλοσώμενη*) . . . Anathema to Nestorius, Eutyches and Dioscorus!<sup>3</sup>

The *Definitio Fidei* published by the council condemned both Nestorianism and Monophysitism; it repudiated those who maintained that "He that was born of the holy Mary was a mere man," rejecting the term *Theotokos*, and those who divided the one person of Christ into two, together with those who professed admixture or confusion of the two natures, those who accepted two natures before the union and one after, and those who held that Christ did not have a human nature *homousios* with us,

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1. As early as the second session, a special committee had been set up under the presidency of Anatolius of Constantinople, charged with drawing up a draft of the council's dogmatic definition. The draft definition produced by this committee was read and discussed at the fifth session, because there was a demand from the Fathers, particularly from the Greeks, for the insertion of the word *Θεοτόκος* (*Mother of God*) which had been omitted and had paradoxically also been omitted from the *Tome* of Leo. They also demanded that the Monophysite phrase "from two natures" should be replaced by the orthodox "acknowledged in two natures, without confusion, without change, without division and without separation," and finally that certain other amendments and additions should be made. As a result, after discussion and consultation with the Emperor, a new committee of twenty two members, consisting of Anatolius of Constantinople, the Papal Legates, six "oriental" bishops and three bishops from Pontus, three from Asia, three from Thrace and three from Illyricum, withdrew and proposed certain other additions and amendments which had been suggested, taking into consideration also the letter of Pope Leo. They thus produced the draft of the council's definition in its final form (v. J. KARMIRIS, *op. cit.*, p. 28).

2. J. MANSI, VII, 117-118. E. SCHWARTZ, *op. cit.*, II, 1, pp. 130-158.

3. J. MANSI, VII, 169. E. SCHWARTZ, *op. cit.*, II, 1, p. 155.

and that the Godhead of the Only-begotten was passible. A more complete and positive exposition of the Christological dogma was drawn upon the basis of the exposition of the faith of the reconciled parties at the Council of Ephesus, and this supplemented and harmonized with the Trinitarian doctrine of the first two Oecumenical Councils. Chalcedon thus confirmed the Creeds of Nicaea and Constantinople and the formulae of the first three Oecumenical Councils. The council specifically recognized the Creed and universal authority of the Council of Constantinople of 381, which had been deliberately passed over in silence during the Council of Ephesus and the Robbers' Synod by the Bishops of Alexandria, who opposed the third canon which elevated the Bishops of Constantinople above them. The Council of Chalcedon recognized Constantinople as the second Oecumenical Council. Formerly it had only had the authority of a general council in the Eastern Empire. This was why the last five articles of the Nicene-Constantinopolitan Creed were not referred to as being peculiar to the Creed of the Council of Constantinople, but were usually just given the name of the Nicene Creed, because of the far greater renown and authority of the Council of Nicaea.<sup>1</sup>

#### *The Canons of the Council.*

After unanimously approving the *Definitio Fidei* amidst great rejoicing, the council applied itself to the task of settling pressing canonical questions. These occupied the next ten sessions. Two items, however, which we shall now examine, were dealt with in earlier sessions.

In the fourth session, the Fathers settled the dispute between Photius, the Metropolitan of Tyre, and his suffragan, the Bishop of Berytus, Eustathius. Eustathius had managed to obtain from Theodosius II a decree raising his see to the status of a metropolis, and by a resolution of the Bishop of Constantinople and his Resident (*Ἐνδημοῦσα*) Synod various areas such as Byblus, Bostrys, Tripolis, Orthonias, Arcas and Antaradus were detached from the Metropolis of Tyre and annexed to the new metropolis. Since the Metropolitan of Tyre, who had been deprived of these areas, did not recognize this measure and continued to intervene in these areas, Anatolius of Constantinople and his synod proceeded to depose him.<sup>2</sup> After Theodosius' death, the Metropolitan of Tyre took the case to Marcian, who referred it to the Council of Chalcedon.

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1. J. KARMIRIS, *op. cit.*, pp. 29-30.

2. J. MANSI, VII, 82-92. E. SCHWARTZ, *op. cit.*, II, 1, 1, p. 77 & 71-73.

The discussion on this affair finally led to the Resident Synod's being officially recognized as a legal institution, and its decisions as having authority. The discussion was extremely interesting. Following a question by Eustathius of Berytus, the imperial officers first asked the Fathers of the council if the case should be tried according to the holy canons, or according to the secular laws. The council replied: "Against the canons, no imperial mandate prevails. The canons of the Fathers shall prevail."

The imperial officers then asked the council "if it be lawful by divine sanction for some bishops to take away the prerogatives of a church belonging to another bishop." The council again replied: "It is not lawful; it contravenes the canons."

The officers went on to ask a question which was perhaps more important for this dispute and which provided an opportunity to move the discussion to the stage of officially recognizing and confirming the Resident Synod in Constantinople as an institution. This question was threefold: "Whether it be lawful for His Holiness Archbishop Anatolius to excommunicate the Reverend Bishop Photius in his absence and to decree that certain churches in his province should be taken away from him, and whether Anatolius ought to call the assembly of those staying in the imperial city a synod."

First of all, Trypho of Chios made the positive statement: "A synod is called, and they come together, and those that have been ill-treated enjoy their rights."

After this other bishops spoke, not disputing in principle that the assembly "of those staying in the imperial city" (the Resident Synod) and appeal to it were legal, but merely demanding that the canon prohibiting resolutions from being taken against persons in their absence should be retained.

Anatolius of Constantinople intervened at this point to justify himself and the Resident Synod:

Custom long ago bound the most holy bishops staying in the great city, whenever the opportunity arose, to assemble to discuss various ecclesiastical questions which might arise, and to deal with each of them, and to consider the appellants worthy of a verdict. I have therefore made no innovation, nor have the most holy bishops staying (in the great city) initiated any new procedure, and what has been done shows the presence of the bishops.<sup>1</sup>

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1. J. MANSI, VII, 82-92. Commenting on what Anatolius said, Troitsky writes: "Anatolius was only able to justify the existence of this synod by reference to ancient custom, a justification which is not in itself sufficient from a canonical point of view,

As none of the Fathers made any comment on Anatolius' declaration, evidently the legality of the Resident Synod was automatically confirmed, under the simple proviso that it should not take, nor allow to be taken within it, resolutions condemning absent persons. There is no doubt that in terms of power and authority this was a success for the Bishop of Constantinople. His Resident Synod was elevated to the position of a sort of supreme court of supervision and general appeal for all the churches of the East.<sup>1</sup>

During the sixth session, a suggestion of Marcian's was accepted that in honour of St. Euphemia, in whose church the council was being held, Chalcedon should be detached from the ecclesiastical province of Nicomedia, upon which it was dependent, and be declared a metropolis in its own right.<sup>2</sup>

In the following sessions, the council examined various canonical questions, and took appropriate resolutions upon them. The council confirmed the agreement made between Maximus of Antioch and Juvenal of

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because the canons abolish a large number of customs (canons 15 and 18 of Nicaea, 7, 12, 13, 28, 29, 32, 33 etc. of Chalcedon), and St. Cyprian of Carthage writes: '*Consuetudo sine veritate vetustas erroris est*'" (S. TROITSKY, 'Po povodu neudačnoj zaščity ložnoj teorii,' in *Journal of the Moscow Patriarchate*, XII, 1949, 29-54).

Yet if Anatolius' justification were so inadequate from a canonical point of view, because the canons abolished a large number of customs, why did the Fathers of the council not make this very point, instead of making no comment on Anatolius' declaration? Maybe they were not equipped with Troitsky's perspicacity, or were less well acquainted than he with the canons which abolished a large number of customs — they who themselves promulgated a large number of the canons Troitsky invokes to support his arbitrary thesis.

In principle, no one would raise any objection to St. Cyprian's maxim that *consuetudo sine veritate vetustas erroris est*, but is it applicable in this case? Is one to suppose that, so as to support his position, Anatolius could so clearly and categorically have invoked before the council a custom which did not accord with the truth? Even though it may be an untenable hypothesis, surely such a charge involves a gross lack of respect for the memory of this saint and patriarch as well as for the other Fathers of the council. Anatolius in fact did call upon custom which accorded with the truth, "which had held the place of canons for countless years" (BALSAMON, in G. RHALLER and M. POTLES, op. cit., II, 145). "For it is not reasonable that a few should abolish what once was a custom in the Church and has been confirmed by councils" (From the letter of Pope Julius to those trying St. Athanasius, J. MANSI, XI, 1213).

1. V. MONACHINO, 'Il canone 28 di Calcedonia e San Leone Magno,' in *Gregorianum* XXXIII, 1952, 534. HAJJAR, op. cit., pp. 46-48 and 122.

2. J. MANSI, VI, 177.

Jerusalem by which Antioch had jurisdiction over Phoenice Prima et Secunda and Arabia, and Jerusalem over the three Palestines, that is to say the three provinces of Palestine.<sup>1</sup> Theodoret of Cyrus and Ibas of Edessa, who had both repudiated and anathematized Eutyches and Dioscorus and as a result had been condemned and deposed by the Robbers' Synod, were declared not guilty and restored to their provinces.<sup>2</sup> Both claimants to the see of Ephesus, Stephen and Bassian, were deposed, one for having acquired the see by "conspiracy," and the other for having taken it "by violent means," and it was decreed that a new Bishop of Ephesus should be elected and consecrated instead. The Fathers differed as to where exactly the new bishop should be consecrated. Some of the bishops, particularly those of Asia, came down on the side of Ephesus. Others, particularly the clergy of the Church of Constantinople led by the Archdeacon Aetius, enumerated the Bishops of Ephesus and Exarchs of Asia that had been consecrated either in Constantinople or elsewhere, but always by the bishop of the capital, or at least with his consent. Alluding to the prerogatives that had been granted the Bishop of Constantinople by the hundred and fifty Fathers of the Council of Constantinople, these bishops cried:

Let the decrees of the hundred and fifty Fathers prevail, let the prerogatives of Constantinople not be destroyed. Let the consecration be performed as is the custom by the Archbishop of that city.

Finally the view expressed by Anatolius prevailed, and was accepted by all:

I am of the opinion that, if it seems suitable to the holy council, neither of these should be bishop of the city of Ephesus, but that another should be consecrated to administer the bishopric . . . after being elected by all those who will be governed by him.

This suggestion was deliberately double-edged, in that it maintained that the new bishop should be elected in Ephesus, so as to satisfy the bishops of Asia, but it did not prescribe by whom he was to be consecrated. In this it essentially agreed with the view of the Constantinopolitan clergy, who claimed that the consecration should be performed in Constantinople by their own bishop.<sup>3</sup>

The dispute between the Bishops of Nicomedia and Nicaea was re-

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1. J. MANSI, VII, 179.

2. J. MANSI, VII, 188 and 256-269.

3. J. MANSI, VII, 271-297.

solved. The Fathers were of the opinion that the "ancient customs" should prevail here:

Let the canons prevail; let the canons suffice . . . this canon declares that in each one of the provinces, the bishop of the metropolis is to prevail, and that he is to appoint all the bishops that come under his jurisdiction; and this is the intention of the canon: let it be the due prerogative of the Bishop of Nicomedia, since that has been the metropolis from of old, to consecrate all the bishops coming under his jurisdiction . . .

At this point the Archdeacon Aetius interposed:

We submit to Your Majesty and beg that what has just been said by the most reverend bishops Eunomius of the city of Nicomedia and Anastasius of Nicaea should not prejudice the most holy throne of Constantinople. For the most holy throne of Constantinople either performs the consecration itself in the imperial city with the others, or it gives permission for it to be performed, as the letters which are sent, or have frequently been sent, can show. We demand that these letters be produced.

The Fathers again replied: "Let the canons prevail, let the canons suffice . . .," and the imperial overseers summarized the council's decision as follows:

The Bishop of Nicomedia shall have the authority of the metropolitan in the churches of Bithynia. The Bishop of Nicaea shall have merely the honour of a metropolitan. Like the other bishops of the province, he is to be subject to the Bishop of Nicomedia.

They added at once:

And whatever (privileges) connected with consecration in the provinces may be possessed by the throne of the most holy Church in the famous city of Constantine shall be examined in proper order during the holy council.<sup>1</sup>

According to Monachino, this unequivocally shows that canon twenty eight had already been prepared and that the interventions of Aetius and the replies of the imperial overseers had probably also been prepared in advance, so that the Fathers became more and more used to the idea that before the end of the council they would have specifically to deal generously and favourably with the prerogatives of the see of Constantinople.<sup>2</sup>

There is no doubt that changes had occurred which needed to be regularized, and the imperial officers did not overlook this. All the administrative controversies dealt with by the council demonstrate how extensive the influence of the Bishop of Constantinople was. The church of the

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1. J. MANSI, VII, 313.

2. V. MONACHINO, *op. cit.*, p. 536.

capital was already the centre of Christianity's unity, canonical activity and propagation.

Bearing this in mind, and with the aim of regularizing the irregular situations and needs that had arisen, the council brought all its canonical work to a conclusion with the promulgation of thirty canons. Of these, canons nine and seventeen were of particular significance for the Church of Constantinople. They recognized the Bishop of Constantinople as having the final say in differences between bishops and metropolitans. The canons also made the provinces self-governing, authority being invested in the episcopal synods. Of greatest importance was the celebrated canon twenty eight, which confirmed and supplemented canon three of the Council of Constantinople, and awarded the Bishop of Constantinople primacy and prerogatives equal to those of the Bishop of Rome.

#### *Canon Nine.*

Εἴ τις κληρικὸς πρὸς κληρικὸν πρᾶγμα ἔχῃ, μὴ ἐγκαταλιμπανέτω τὸν οἰκεῖον ἐπίσκοπον, καὶ ἐπὶ κοσμικὰ δικαστήρια κατατρέχέτω, ἀλλὰ πρότερον τὴν ὑπόθεσιν γυμναζέτω παρὰ τῷ ἰδίῳ ἐπισκόπῳ, ἢ γοῦν, γνώμῃ αὐτοῦ τοῦ ἐπισκόπου, παρ' οἷς ἂν ἀμφοτέρω τὰ μέρη βούλωνται, τὰ τῆς δίκης συγκροτεῖσθω. Εἰ δὲ τις παρὰ ταῦτα ποιήσῃ, κανονικοῖς ἐπιτιμίοις ὑποκείσθω. Εἰ δὲ κληρικὸς πρᾶγμα ἔχῃ πρὸς τὸν ἴδιον, ἢ καὶ πρὸς ἕτερον ἐπίσκοπον, παρὰ τῇ συνόδῳ τῆς ἐπαρχίας δικαζέσθω. Εἰ δὲ πρὸς τὸν τῆς αὐτῆς ἐπαρχίας μητροπολίτην ἐπίσκοπον, ἢ κληρικὸς ἀμφισβητοίῃ, καταλαμβανέτω τὸν ἐξάρχον τῆς διοικήσεως ἢ τὸν τῆς βασιλευούσης Κωνσταντινουπόλεως θρόνον καὶ ἐπ' αὐτῷ δικαζέσθω.<sup>1</sup>

If any clergyman has a case against another member of the clergy, he is not to abandon his own bishop and have recourse to secular courts; rather he is first to examine the case before his own bishop, or, if his own bishop agrees, before whomever both parties wish to hear the case. If anyone acts against this (regulation), he is to be subject to canonical penalties. If however a clergyman has a case against his own or another bishop, he is to be tried by the synod of the province. If a bishop or a clergyman has a dispute with the metropolitan of the same province, he is to repair to the exarch of the diocese, or to the throne of the imperial capital, Constantinople, and be tried before him.

#### *Canon Seventeen.*

Τὰς καθ' ἑκάστην ἐπαρχίαν ἀγροικίας παροικίας ἢ ἐγχωρίους, μένειν ἀπαρασλεύτους παρὰ τοῖς κατέχουσιν αὐτάς ἐπισκόποις, καὶ μάλιστα

The rural and country parishes in each province are to remain undisturbed under the bishops who have possession of them, particularly if

1. G. RHALLÉS and M. POTLES, op. cit., vol. II, p. 237.



εἰ τριακονταετὴ χρόνον ταύτας ἀβιά-  
στως διακατέχοντες φρονόμησαν. Εἰ δὲ  
ἐντὸς τῶν τριάκοντα ἐτῶν γεγένηται  
τις, ἢ γένοιτο, περὶ αὐτῶν ἀμφισβήτη-  
σις, ἐξεῖναι τοῖς λέγουσιν ἀδικεῖσθαι,  
περὶ τούτων κινεῖν παρὰ τῇ συνόδῳ τῆς  
ἐπαρχίας. Εἰ δὲ τις ἀδικοῖτο παρὰ τοῦ  
ἰδίου μητροπολίτου, παρὰ τῷ ἐξάρχῳ  
τῆς διοικήσεως, ἢ τῷ Κωνσταντινου-  
πόλεως θρόνῳ δικαζέσθω, καθ' ἃ προ-  
εῖρηται. Εἰ δὲ καὶ τις ἐκ βασιλικῆς ἐ-  
ξουσίας ἐκαινίσθῃ πόλιν ἢ αὐθις και-  
νισθῇ, τοῖς πολιτικοῖς καὶ δημοσίοις  
τύποις, καὶ τῶν ἐκκλησιαστικῶν παροι-  
κιῶν ἢ τάξιν ἀκολουθεῖτω.<sup>1</sup>

they have governed them for thirty  
years without incident. If however  
there has been during those thirty  
years, or shall be, any dispute over  
them, those who claim to be the  
injured party are permitted to take  
the case before the synod of the pro-  
vince. If anyone is wronged by his  
own metropolitan, he is to be tried,  
as has been said before, by the exarch  
of the diocese or by the throne of  
Constantinople. If any city has been  
founded, or shall hereafter be founded,  
by imperial authority, the order of  
the ecclesiastical parishes is to follow  
the secular and public forms.

Canon seventeen embodied the same judicial proceedings as canon nine, and clearly indicates that the council was enacting general procedural rules which were to be kept throughout the entire Church. It becomes obvious from the final sentence of canon seventeen that the two canons have the same meaning in the point under discussion. Yet what is meant by the expression *exarch of the diocese*? How should the term *exarch* be understood? Scholars differ. Some consider that the *exarch of the diocese* should be understood as the superior metropolitan of the area. Others hold that *exarch* should be taken to refer to those who were subsequently called patriarchs.

### *The Byzantine Canonists.*

On this point, Zonaras comments:

Some say that the exarchs of the dioceses were the patriarchs. Others say that the metropolitans of the provinces were named exarchs. It is better if it were the metropolitans of the provinces that were called exarchs, as the canon of the Council of Sardica called them. This then is the meaning of this canon (9 of Chalcedon): it makes a distinction between the courts: when a bishop brings an action against a fellow bishop, or a clergyman sues a bishop, then the metropolitan called by the canon the exarch of the diocese sits as judge. When a bishop has a case against his metropolitan, the Bishop of Constantinople is authorized to hear the case. The Bishop of Constantinople is not set as judge over all the metropolitans, but only over those subject to him, for he cannot compel the metropolitans of Syria, or those of Palestine, Phoenice or Egypt to be tried by him unless they are willing. Those of Syria are rather subject to the Bishop of

1. Ibid. pp. 258-259.

Antioch, those of Palestine to the Bishop of Jerusalem, and those of Egypt are tried by the Bishop of Alexandria. By them are they consecrated, and to them are they subject . . .<sup>1</sup>

At first Zonaras here appears not only not to recognize the Bishop of Constantinople as having any special prerogative, but goes as far as to make quite strong criticisms of any idea of Constantinople's possessing such a prerogative. In fact he quite properly in this passage denies Constantinople the prerogative of being able to compel, on the basis of administrative dependence, metropolitans from the other patriarchates to be tried by him. It is, however, quite incorrect to conclude from this that he also rejected the possibility that these metropolitans, if they so preferred, might appeal to the judgement of the Bishop of Constantinople in cases where in their opinion they were the victims of unjust complaints and charges.

A more careful examination of Zonaras' interpretation reveals that in essentials it coincides with the more profound spirit and aim of the canons. In canons nine and seventeen, the Council of Chalcedon does not compel bishops and clergy dissatisfied with their own metropolitan to appeal to the verdict of the throne of Constantinople, overriding the verdict of the exarch of the diocese, but makes this appeal dependent on their free opinion and preference. Similarly it does not give the Bishop of Constantinople any prerogative to interfere arbitrarily on his own initiative in judicial cases involving clergy, bishops and metropolitans of other regions. Chalcedon thus respected the order of ecclesiastical administration and avoided giving Constantinople any pretext to interfere violently in the canonical jurisdiction of other bishops. In his interpretation, Zonaras insists that the Bishop of Constantinople sits as judge only over the metropolitans coming under his jurisdiction and cannot *compel* clergy, bishops and metropolitans from other patriarchates to be tried by him. If they so wished, he could try them.

In an attempt to assess Zonaras' interpretation on the basis of its own arguments, we may observe:

1. It is arbitrary, one-sided and does not do justice to the entire content of canon nine, because it tries to limit its application to the throne of Constantinople. As a result it does not define the stages and instruments of justice either in the spirit of the canons, or in the practical sense of the names of the ecclesiastical leaders.

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1. Ibid. p. 260.

It is clear that the canon itself defines the proceedings which must be followed in the entire Church, and not specifically those relating to the throne of Constantinople. This emerges both from the wording and spirit of this canon, which is so general as to exclude the slightest probability of its being understood as providing a particular regulation for the throne of Constantinople:

Εἰ τις κληρικὸς πρὸς κληρικὸν πρᾶγμα ἔχει, μὴ ἐγκαταλιμπανέτω τὸν οἰκεῖον ἐπίσκοπον, καὶ ἐπὶ κοσμικὰ δικαστήρια κατατρεχέτω, ἀλλὰ πρότερον τὴν ὑπόθεσιν γυμναζέτω παρὰ τῷ ἰδίῳ ἐπισκόπῳ, ἢ γοῦν, γνώμῃ αὐτοῦ τοῦ ἐπισκόπου, παρ' οἷς ἂν ἀμφοτέρω τὰ μέρη βούλωνται, τὰ τῆς δίκης συγκροτεῖσθαι. Εἰ δέ τις παρὰ ταῦτα ποιήσῃ, κανονικοῖς ἐπιτιμiais ὑποκείσθαι. Εἰ δὲ κληρικὸς πρᾶγμα ἔχει πρὸς τὸν ἴδιον, ἢ καὶ πρὸς ἕτερον ἐπίσκοπον, παρὰ τῇ συνόδῳ τῆς ἐπαρχίας δικαζέσθαι. Εἰ δὲ πρὸς τὸν τῆς αὐτῆς ἐπαρχίας μητροπολίτην ἐπίσκοπος, ἢ κληρικὸς ἀμφισβητοίῃ, καταλαμβανέτω τὸν ἑξαρχὸν τῆς διοικήσεως ἢ τὸν τῆς βασιλευσούσης Κωνσταντινουπόλεως θρόνον καὶ ἐπ' αὐτῷ δικαζέσθαι.

Moreover it is, I think, obvious that canons of oecumenical councils referring to such cases have universal authority.

2. The disagreement of Zonaras' interpretation with the canons of Chalcedon is a result of his having inaccurately understood the phrase in the canons *ἑξαρχος διοικήσεως* as referring to the provincial metropolitan.<sup>1</sup> In this context, however, *ἑξαρχος διοικήσεως* refers to those who were subsequently called patriarchs, rather than the metropolitans of the diocesan capitals. This is evident from the context, because if canons nine and seventeen had meant by *ἑξαρχος διοικήσεως* the metropolitan of the diocesan capital and had wanted to award the prerogative of hearing appeals indiscriminately to all those subsequently called patriarchs — Alexandria, Antioch and Jerusalem —, why did it refer specifically to the throne of Constantinople and pass over the others? If again this prerogative affected only the Bishops of Constantinople, the preceding phrase of canon seventeen τῷ ἑξάρχῳ τῆς διοικήσεως would be incomprehensible and would have to have a restricted sense defined by the words τῷ Κωνσταντινουπόλεως θρόνῳ, the conjunction ἢ becoming redundant.

The interpretation of *ἑξαρχος τῆς διοικήσεως* as restricted to the three great bishops of Alexandria, Antioch and Jerusalem is also supported externally by two facts. Firstly, Justinian, reiterating the ninth canon in

1. For the distinction between *ἑξαρχος τῆς διοικήσεως* and *ἑξαρχος τῆς ἐπαρχίας* see T. BARSOV, *Konstantinopolskij Patriarch ego vlast nad Rousskojou Tserkovjou*, pp. 22-25. BEVERIDGE, *Synodicon*, vol. II, ad. can. 9, 17 Chalced. Conc. DUCANGE, *Glossarium*, under 'ἑξαρχος'.

chapter XXII of his 123rd Novel, replaces this phrase with the simple word *πατριάρχης*. Secondly, in the tenth session of the Council of Chalcedon, when the case of Ibas of Edessa was investigated, this bishop, justifying himself for his condemnation of Cyril of Alexandria, said *ἐξηκολούθησα τῷ ἐξάρχῳ μου . . . κατὰ μετὰ τοῦ ἐξάρχου μου*, meaning by his exarch John of Antioch.<sup>1</sup>

Yet the important point is that when Zonaras interprets canon seventeen of Chalcedon, he accepts its basic principle that "if anyone is wronged by his own metropolitan, he is to be tried . . . by the exarch of the diocese or by the throne of Constantinople." That is to say he recognizes that if a bishop had a dispute with his local metropolitan, he could appeal to Constantinople, and not merely to the exarch of the area. Yet to recognize this also confirms that Constantinople had the right of arbitrating in cases between the local bishops and metropolitans of other patriarchates. Zonaras positively confirms this right, merely rejecting any arbitrary or violent interference of Constantinople in the internal affairs of the other churches. The canons of Chalcedon provide no basis for this kind of interference, and canonical order and practice in general exclude its even being considered, let alone permitted.

Although the Council of Chalcedon in these canons does not compel those that have been wronged or are discontented to appeal to Constantinople, but leaves it to them to choose whether to approach him rather than accept the judgement of their own exarch, this does not mean that the throne of Constantinople had less prerogatives than the exarchs, as Troitsky maintains. The Russian scholar naïvely observes that the canons not only put the rights of the Bishop of Constantinople on an equal footing with those of the exarchs of the dioceses, but to a certain extent give supremacy to the exarchs, as regular judges, over Constantinople, in that the canons mention the exarchs first and Constantinople afterwards.<sup>2</sup> On the contrary, the free choice allowed in the canon clearly testifies to Constantinople's special prerogative, and this is also demonstrated by the fact that the Council of Chalcedon did not foresee, in the proceedings it prescribed, the possibility of taking to another judicial authority a disputed case in which the throne of Constantinople was involved.

Alexius Aristenus accurately interprets canon nine as follows:

But a bishop or clergyman, if he has a case against the metropolitan, is

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1. J. MANSI, VII, 237.

2. TROITSKY, op. cit., pp. 29-54.

either tried by the exarch of the diocese, or by the patriarch under whom the metropolitans of these provinces are subject, or by the Patriarch of Constantinople. This patriarchal prerogative of trying a metropolitan subject to another patriarch was not given to any of the other patriarchs, either by the canons or by the (secular) laws, but only to the Patriarch of Constantinople.<sup>1</sup>

It is of great significance that Aristenus' interpretation is based on an older interpretation of the ninth canon first encountered in the anonymous tract *On the prerogatives of the most holy throne of Constantinople*. This tract, based on the canons and the civil laws, was compiled, according to Troitsky, between 610 and 629.<sup>2</sup>

The text of the commentary found in this tract runs as follows:

It calls exarchs those to whom the metropolitans are subject; these would be the patriarchs by whom the council wishes that cases brought against the metropolitans should be tried. *It mentions Constantinople as an alternative, thus honouring this throne with an exceptional prerogative.* That it calls exarchs the bishops of the first sees, that is to say the patriarchs, is proved positively by the thirty-ninth canon of the Council of Carthage, which makes a prohibition and says that these must not be called by the title of exarch. If someone calls the metropolitan exarch, as the sixth canon of the Council of Sardica does, while he will be speaking correctly, he will be saying nothing useful on the matter, for this canon of Chalcedon we are talking about, which says that whoever is wronged by the metropolitans is judged by the exarch, shows that the exarch is someone other than the metropolitan. If a case were made that the canon perhaps means the exarchs sent by the patriarchs to govern certain ecclesiastical areas (as the name is customarily used nowadays), it could not be substantiated. For firstly why, when the other patriarchal thrones had exarchs, did Constantinople not have any? Secondly, such an argument would in fact be constructed from the arguments of its opponents — those who exalt the Bishop of Constantinople —, for if the bishops and clergy subject to the other (patriarchal) thrones have disputes with their metropolitans, and appeal to the exarchs sent by their patriarchs or to the Patriarch of Constantinople, *then only Constantinople has the prerogative of judging the bishops and clergy and metropolitans of the other patriarchs, and of settling their disputes.* There follows a third paradox, that the other patriarchs are completely excluded from judging those subject to them, and in fact the authority of their exarchs is greater than their own, if either the exarchs or the Patriarch of Constantinople are going to hear the appeals. Thus in every way the exalted prerogative of the Patriarch of Constantinople is preserved in the seventeenth canon and in the ninth.<sup>3</sup>

1. G. RHALLS and M. POTLES, op. cit., II, p. 240.

2. TROITSKY, *Spor staroga Rima sa novim*, 27, where he deals at length with a commentary written in Greek which was added between 866 and 869 by the Westerners to the tract. The commentary attacks the privileges of the Patriarch of Constantinople and supports the primacy of the Pope.

3. V. BENEŠEVIČ, *Kanoniceskij sbornik XIV titulov*, p. 25, art. 194. Cf. M.

While Balsamon does not in his interpretation carry out a detailed examination of the judicial power given Constantinople by canons nine and seventeen, he fills this gap in his interpretation of the canons of the Council of Sardica, where he expresses his opinion about Constantinople and the privileged position it held from this point of view.

On the third Sardican canon, Balsamon observes:

What has been fixed in connection with the Pope must also be understood for the Patriarch of Constantinople, because he has been honoured in a similar way by various canons.<sup>1</sup>

Similarly, concluding his interpretation of the fifth canon of Sardica, he writes:

We said in discussing the previous canons that the prerogatives defined for the Pope are not peculiar to him or unique, with the result that every convicted bishop has necessarily to apply to the throne of Rome; they were also attributed to the Bishop of Constantinople. We affirm this once again.<sup>2</sup>

In general, Balsamon recognizes Constantinople as having the same judicial prerogatives as the Bishop of Rome, but he understood Rome's judicial rights as authorizing the Pope to hear appeals in episcopal cases already examined in the provincial and great synods. Consequently Balsamon attributes the same right to the Patriarch of Constantinople, whom he makes equal to the Pope of Rome.

This should perhaps be expanded by saying that in his interpretation of the twelfth canon of the Council of Antioch, Balsamon once again affirms this identity of prerogatives:

The second Oecumenical Council and the fourth gave the Patriarch of Constantinople the prerogatives of the Pope, and determined that both should be honoured over all (others).<sup>3</sup>

Similarly, in his second interpretation of canon twenty eight of the Council of Chalcedon reproduced by Rhalles and Potles, Balsamon writes:

This canon determines that the Archbishop of Constantinople has the prerogatives of the Pope of Rome, and is magnified like him in all ecclesiastical matters, following the third canon of the second Oecumenical Council.

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ΠΕΤΡΟΝΙΟΪ *Ὁ Νομοκάνων εἰς τοὺς ἰδ' τίτλους καὶ οἱ Βυζαντινοὶ σχολιασταί*, pp. 206-208.

1. G. RHALLES and M. POTLES, op. cit., III, 237.

2. G. RHALLES and M. POTLES, op. cit., III, 242.

3. G. RHALLES and M. POTLES, op. cit., III, 147.

So as to give this greater emphasis, he then alludes to the spurious *Donatio Constantini*.<sup>1</sup>

Admittedly Balsamon, who was one of the most fervent supporters of the view that the Bishops of Rome and Constantinople should have equal prerogatives, accepted as genuine a forgery purporting to be in the name of Constantine the Great and inserted it in the canon law collections of the Eastern Orthodox Church.<sup>2</sup> Nevertheless it should be noted that when he defended the prerogatives of Constantinople, it was not principally on the *Donatio*, nor on the secular laws connected with it that he based his main argument, but on the holy canons. Thus, when interpreting canon twenty eight of Chalcedon, he observes that:

Certain people, seeing the Patriarch of Constantinople boasting of none of the prerogatives enjoyed by the Pope of Rome (for he does not cover his head with an imperial head-dress (*λαβρος*), he does not walk abroad with an imperial sceptre or with badges of honour or rank; he does not display imperial honours, does not dress lavishly nor ride on horseback in accordance with the contents of the imperial decree granted by St. Constantine the Great to Pope Silvester of Rome and his successors), say that the prescriptions of the canons are ineffective and they construct the appropriate reason from the fact that the laws which determined that the Bishop of Constantinople had the prerogatives of the Pope of Rome were not published in the *Basilica*, which were later greatly rewritten and interpreted.<sup>3</sup>

And Balsamon defines his position on this matter as follows:

But I wish and pray that the Bishop of Constantinople should, without giving offence, without being an occasion of scandal, have all the prerogatives bestowed upon him by the Holy Canons.<sup>4</sup>

By making the Patriarch of Constantinople entirely equal to the Pope of Rome, Balsamon demonstrates that he also recognizes Constantinople as having particular judicial prerogatives.

1. G. RHALLES and M. POTLES, op. cit., II, 285.

2. On the application of the *Donatio Constantini* in the Eastern Orthodox Church, Petrović remarks: "Given on the one hand that it was only established as a forgery fairly late and on the other that there was no shortage of people who believed that the Pope stood outside the body of the one Church, and who thus saw the *Donatio* as a way of both attacking the institution of the Papacy and at the same time of establishing Constantinople's title to the privileges disputed by Rome, one can see how the Byzantines, even after Balsamon, and much more the Russians, would support it" (M. PETROVIĆ, op. cit., p. 240).

3. G. RHALLES and M. POTLES, op. cit., II, 285.

4. G. RHALLES and M. POTLES, cit., II, 285-286.

In his interpretation of canon twelve of the Council of Antioch, Balsamon, bearing in mind a contemporary view, writes:

Some have said that as far as the judicial decisions (of the patriarchs) are concerned, the prescriptions of the canon apply even without the Oecumenical Patriarch, because the judicial verdicts of the Patriarch of Jerusalem are reviewed by the Patriarch of Antioch, whose verdicts are in turn reviewed by the Patriarch of Alexandria, and so on, following the rank of each of them (in the hierarchy). It seems to me that the canon was promulgated for the decisions of the other bishops and metropolitans, and not for those of the patriarchs, for their sentences are not subject to appeal.<sup>1</sup>

Yet while it could be concluded from this that Constantinople in Balsamon's view did not enjoy the prerogative of passing judgement on the episcopal cases of the other patriarchs, in that "their sentences are not subject to appeal," it is curious that, answering specifically the question of whether the judgements of Constantinople were subject to appeal, Balsamon immediately concludes that he

will be judged by the disciplinary officer of the Church, the Emperor, as perhaps a sacrilegious or heterodox person, or as some kind of sinner, for we have seen this in fact happen at various times, but his court will not be called to account, because of the supremacy of the throne.<sup>2</sup>

Yet, as Balsamon said a little earlier that "the sentences of the patriarchs are not subject to appeal," does it not logically follow that the court of the Patriarch of Constantinople, purely by virtue of its being "patriarchal" must have been exempt in the same way as those of the other patriarchs? So why did Balsamon feel the need to give as the reason for the unaccountability of Constantinople's court "the supremacy of the throne"? Is he not here contradicting himself? At first examination this would appear to be the case, but a deeper and more attentive comparative study of what he writes on the equality of the Bishop of Constantinople to the Pope points to the conclusion that he was ultimately concerned with the recognition to Constantinople of his special judicial prerogatives. By making the Patriarch of Constantinople equal to the Pope, Balsamon clearly attributed to the former all the judicial prerogatives he recognized the Pope as having. Prominent amongst these prerogatives was the right of Rome to hear appeals from those dissatisfied with the judgement of the provincial synods anywhere in the Christian West. Constantinople's

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1. G. RHALLS and M. POTLES, *op. cit.*, III, 147.

2. G. RHALLS and M. POTLES, *op. cit.*, III, 149.



comparable prerogative had by analogy to extend over the entire East, for in his interpretation of the fifteenth canon of the Council of Antioch, Balsamon accepts as not subject to appeal the judgements of the synods of the Pope or the Patriarch of Constantinople. He wrote:

This canon was annulled by the fourth canon of the Council of Sardica. If you do not wish to say this, interpret the canon as described above, and say that the condemnation is here pronounced by a synod not subject to appeal, being that of the Pope or the Patriarch of Constantinople.<sup>1</sup>

Similarly, Mathew Blastaris, in chapter eight of the second part of his *Syntagma*, cites the third *Titulus* of the *Epanagoge*:

The patriarch is a living animate image of Christ who represents the truth by words and deeds.

The patriarch's purpose is to protect in reverence and propriety of life those he has received from God; secondly to turn all heretics to orthodoxy and the unity of the Church, as far as he is able — those called heretics in the laws and canons are those not in communion with the Catholic Church; thirdly, by impressing them by his shining and admirable conduct, to make those who are unbelievers imitators of the faith.

The patriarch's goal is the salvation of the souls entrusted to him, to live in Christ and to be crucified to the world.

The proper characteristics of the patriarch are to teach, to treat all men, high and lowly, equally and impartially, to be magnanimous in justice, to reprove the disobedient, to speak before emperors on behalf of the truth and the vindication of the doctrines of the faith and not be ashamed.

As the *politeia*, like a human being, consists of parts and members, the greatest and most necessary parts are the emperor and patriarch. Hence the peace and happiness in soul and body of its subjects lies in the complete agreement and concord of the imperial office and the patriarchate.

The throne of Constantinople, honoured by the imperial office, was designated first by conciliar decisions; the divine laws which succeeded these decisions decree that disputes occurring in the jurisdictional areas of other thrones should be referred to the judgement and verdict of that throne.

Supervision and care for all metropolises and bishoprics, monasteries and churches, as well as judgement, condemnation and acquittal, are the prerogative of the appropriate patriarch. The President of the Constantinopolitan Church is authorized to give *stauropagia* in the jurisdictional areas of other thrones, where there has been no previous consecration of a shrine; he may even consider and deal with such disputes as occur in the areas of other thrones and even bring them to judgement. Likewise he and he alone is arbiter and judge of repentance and the turning away from sins and heresies.<sup>2</sup>

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1. G. RHALLS and M. POTLES, *op. cit.*, III, 154.

2. G. RHALLS and M. POTLES, *op. cit.*, VI, 429.

The *Epanagoge* is a remarkable monument of Byzantine law, a legal collection compiled between 884 and 886 by Basil I and his two sons Leo and Alexander. Some believe it to have been the work of Photius.

As a finished product of Byzantine law, the *Epanagoge* exercised in application great influence in Byzantium. It was entered in the later collections of Byzantine law, including the enlarged *Epanagoge*, which was published over a century after the *Epanagoge* itself, as well as in the *Σύνοψις τῶν Βασιλικῶν* (produced around the end of the tenth century) and in the *Syntagma* of Matthew Blastaris (the *Tituli* dealing with the Emperor and Patriarch). Its influence, however, was not confined to Byzantium, but extended further afield, to include also the Slav lands.<sup>1</sup>

According to Verdansky, the fact that the teaching of the *Epanagoge* was included in the *Syntagma* of Matthew Blastaris, the widely circulated manual of Byzantine law, is the best demonstration that its teaching was not a chance or transitory phase, but had deeply penetrated the life of Byzantine society. It exercised an important influence upon the ecclesiastico-political ideas of various peoples who came into contact with the Byzantine and Slav world.<sup>2</sup>

Ostrogorsky maintains that the formation of the Church-State structure finds its fullest expression in the *Epanagoge*, which speaks of a clear dual authority in *Tituli* II and III. The teaching of the *Epanagoge* did not remain, as is sometimes maintained, a single, isolated occurrence, but exercised a constant influence on later events: the Emperors, and above all the powerful John Tsimiscēs, frequently acknowledged the basic principles of its teaching.<sup>3</sup>

There are some scholars, particularly among the adherents of the theory that Caesaropapism was prevalent in Byzantium, who include F. Dölger,<sup>4</sup> F.N. Schmidt,<sup>5</sup> A. Pavlov, H. Kotsones<sup>6</sup> and A. Christophilo-

1. V. SOKOLSKY, 'Über den Charakter und die Bedeutung der Epanagoge,' in *Βυζαντινά Χρονικά* I, 1894, 17-54. Cf. P. POULITSAS, *Σχέσεις Πολιτείας καὶ Ἐκκλησίας*, p. 81. G. VERDANSKY, 'Die kirchlich-politische Lehre der Epanagoge und ihr Einfluss auf das russische Leben im XVII. Jahrhundert,' in *Byzantinisch-Neugriechische Jahrbücher*, 1927-28, 119 f. G. OSTROGORSKY, 'Das Verhältnis von Staat und Kirche in Byzanz,' in *Seminarium Kondakovianum*, Prague, IV, 1931, 133-4 (summary in German of publication *in extenso* in Russian: *Ibid.* pp. 121-152). MOURATIDES, *op. cit.*, p. 99, 101.

2. G. VERDANSKY, *op. cit.*, p. 119.

3. OSTROGORSKY, *op. cit.*, pp. 133-134.

4. F. DÖLGER, *Byzantinische Zeitschrift*, 1931, p. 450.

5. F. SCHMIDT, *Ibid.* p. 449.

6. H. KOTSONES, *Σημειώσεις Κανονικοῦ Δικαίου*, vol. I, p. 58.

poulos,<sup>1</sup> who maintain that the *Epanagoge* was merely a legal blueprint (*projet* is the word used), and as such had no particular influence in Byzantium. Pavlov goes so far as to assert that it did not form part of the official canons, and was never put into force, remaining merely a blueprint.<sup>2</sup> He bases this view on what he considers is the well founded conjecture of Z. von Lingental, who edited the *Epanagoge*. Von Lingental surmised that the canonical prerogatives of the Patriarch of Constantinople took their final form from the secular legislation in the *Epanagoge* promulgated by Basil I and his two sons, Leo and Alexander as co-emperors. Pavlov also supports his view with the fact that the original provisions about patriarchs in general, and about the Patriarch of Constantinople in particular, were not included in the collection of the canons of the Byzantine Empire then in force, the so-called *Basilica*, edited by Leo the Wise, nor in the canonical code of the Eastern Church, the *Nomocanon of Photius*. Thirdly, Pavlov's opinion is based on the probability that the articles of the *Epanagoge* on patriarchal power were composed by Photius, whom Pavlov condemns as having held an exaggerated view of the importance of his see.<sup>3</sup>

While von Lingental, who edited the *Epanagoge*, proposed the hypothesis that it remained merely a legal blueprint, and thus was not published in the form of a legal decree, he did so with the aim of reconciling certain discrepancies between the *Procheiron*, the *Epanagoge* and the laws of Leo the Wise in relation to the application of Justinian's legislation and the *Ecloga* of the Emperors Leo the Isaurian and Constantine Copronymus.<sup>4</sup> Yet it cannot be denied that the astonishing practical importance of the *Epanagoge* is confirmed and realized in the number of later collections that are based on it, amongst which a special place is held by Bla-

1. A. CHRISTOPHILOPOULOS, 'Ελλην. Ἐκκλησιαστικὸν Δίκαιον, p. 48.

2. A. PAVLOV, 'Teorija vostochnago papisma u novjeichej Rousskoji litteraturije kanonitseskago prava,' in *Pravoslavnoje Obozrenije*, 1879, p. 736.

3. A. PAVLOV, op. cit., p. 736. Yet if this is the case, how is one to explain the fact that the *Epanagoge* not only was included in a large number of official texts of a legal and ecclesiastical character, but also penetrated the thinking of the Byzantines who communicated it to the Slavs, upon whom it exercised a great deal of influence? Is there no significance in the fact that in the seventeenth century, two hundred years after the fall of the Byzantine Empire, Patriarch Nikon of Russia invoked the *Epanagoge*? How could it have exercised such influence if it had not had the force of law, but had remained merely a draft? (PETROVIC, op. cit., p. 61, cf. VASILIEV, *Ἱστορία τῆς Βυζαντινῆς αὐτοκρατορίας*, p. 424).

4. Z. VON LINGENTAL, *Geschichte des graeco-rom. Recht*, p. 63.

staris' *Syntagma*. Given that in the opinion of the most distinguished authorities, at least, this *Syntagma* was put into application widely throughout the Eastern Church, not merely during Byzantine times, but even during the Ottoman period, it is concluded that the clauses of the *Epanagoge* included in the *Syntagma* must have been recast in the legislation then in force. Yet given the general importance of the *Epanagoge* as a legislative instrument, the authority and influence of the clause embodied in it about patriarchal power in general, and of the see of Constantinople in particular, emerge of themselves.

The fact that the provisions of the *Epanagoge* were not included in the *Basilica* of Leo the Wise or in the so-called *Nomocanon of Photius* does not diminish the importance of the *Epanagoge*. While the *Basilica* were being composed, the *Epanagoge* was used as a source, with the result that most of the substance of the *Codex* of Justinian not inserted in the *Procheiron* entered the *Basilica* via the *Epanagoge*.<sup>1</sup> It is not easy to decide whether or not the provision of the *Epanagoge* about patriarchal power were again included and inserted in the *Basilica*, given that the full, authentic text of this collection has not survived.

It is, to say no more, curious that the non-inclusion of the provision of the *Epanagoge* about patriarchal power in the *Nomocanon* is used as an argument, given that Photius elaborated and supplemented this work in 833, if we are to believe what he expressly writes at the end of the prologue of the collection.<sup>2</sup> The *Epanagoge* is held to have been compiled between 884 and 886, but not before the completion of the no longer surviving *Repurgatio veterum legum*, because the *Epanagoge* is represented in its prologue as a selection of the *Repurgatio*.<sup>3</sup> Obviously, laws from the *Repurgatio* could not have been included in a collection that was compiled earlier. Besides, Photius was elaborating the work of an unknown author before him, and left it basically unchanged. He did make certain

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1. Z. VON LINGENTAL, *Collectio librorum graeco-rom. in ved.*, p. 224.

2. "To know the year when the present work was brought to a conclusion, the year which brought it forth into the light of the sun, one must count up to a thousand years, multiply this by six, and must add to this, going up to three hundred years, and go on to the ninety-first year" (G. RHALLER and M. POTLES, op. cit., I, p. 9). In other words: 6391 (year of the world)

- 5508 (subtracting the year of the birth of Christ expressed  
as a date from the creation of the world)

= A.D. 883

3. MONTREUIL, *Histoire du droit byzantin*, II, 50-51.

additions from the canonical <sup>1</sup> and civil <sup>2</sup> legislation, and in this sense his contribution was important, and not as insignificant as some have maintained. <sup>2</sup>

At the moment there is no basis in fact for maintaining that the provisions of the *Epanagoge* dealing with patriarchal power are in all probability the work of Photius, who is also charged with having an exaggerated idea of his see's importance. It is merely symptomatic of an attempt to cast a shadow upon this champion of the freedom of the Eastern Church against the claims of the Popes of his time to subjugate it. This does not in the slightest diminish the importance of the provisions dealing with the prerogatives of the see of Constantinople, because these were based on the canonical legislation, with which the imperial decrees were in agreement. These clauses are of great value as a historical and legal text and allow the researcher to fashion, in accordance with his own outlook, a complete picture of the Patriarch of Constantinople as senior spokesman of the Christian Church in the East. <sup>4</sup>

In addition to his general view on the significance and influence of the *Epanagoge*, Pavlov continues his criticism by maintaining that Blastaris understood the judicial prerogatives of the see of Constantinople in the sense of the law of Honorius and Theodosius II of 421, which he inserted in his *Syntagma*, and not in the sense of the provisions of the *Epanagoge*, which he also included. This law, in the form in which it is incorporated in the *Nomocanon of Photius*, runs:

The canonical disputes arising throughout Illyricum must not be cut off from the judgement of the Archbishop of Constantinople and his synod, which has the prerogatives of Old Rome. <sup>5</sup>

It is on this law that Pavlov bases all his arguments against the provisions of the *Epanagoge* dealing with the special prerogatives of the see of Constantinople inserted in the *Syntagma*, maintaining that Photius, as author of the provision, apparently took advantage of this law to impart some legal basis to the prerogatives of his see. <sup>6</sup>

1. Canons of the Council in Trullo, of the seventh Oecumenical Council and of the *Prima et Secunda Synodi* held in the Churches of the Holy Apostles and of the Holy Wisdom in Constantinople respectively (G. RHALLS and M. POTLES, op. cit., I, 8).

2. Legal decisions taken from the Code and the Novels of Justinian.

3. HERGENRÖTHER, op. cit., III, pp. 102-103.

4. T. BARSOV, 'O kanonitseskom elementje v tserkovnom upravlenii,' in *Pravoslavnoje Obozrenije* I, 1881, 267-271 and II, 1882, 511.

5. VERDANSKY, op. cit., p. 119 f. POULITSAS, op. cit., pp. 80-82.

6. G. RHALLS and M. POTLES, op. cit., vol. I, p. 143.

Pavlov perhaps forgets that this law was promulgated at a time when the Bishop of Constantinople had as yet no prerogative of power, and its aim was that Eastern Illyricum, formerly belonging to the Western part of the Empire and thus under the jurisdiction of the Pope, should come under the ecclesiastical jurisdiction of Constantinople, now that it had become part of the Eastern Empire.<sup>1</sup>

It is clear that no patriarchal power was as yet created for Constantinople, either by this law, the contents of which afford no hint of Constantinople's possessing special prerogatives, or by the law of Theodosius II requiring that "no consecration of a bishop should be performed against the wish of the Bishop of Constantinople"<sup>2</sup> in the areas of Asia and Thrace.

The first of these two laws was important as a purely civil measure, transferring a certain region from one ecclesiastical jurisdiction to another. Similarly, the law of Theodosius II granted to Constantinople alone the special right of superintending the canonicity of episcopal elections in the area prescribed — Asia and Thrace — and of participating in the appointment of bishops there.

Yet neither of these two laws is fundamentally a resolution prescribing the rights of the Church of Constantinople. They rather prepared foundations for the development and consolidation of those rights which were formulated in the canons of the Council of Chalcedon, and were recognized by the civil power in its enactments ratifying the canons.

For this reason, the law of Honorius and Theodosius II of 421, which anticipated the resolutions of Chalcedon and placed Eastern Illyricum under the jurisdiction of the Bishop of Constantinople and his synod, can hardly be seen as the fundamental basis of the prerogatives of the see of Constantinople—certainly not by a jurist of exceptional ability such as Photius.

After setting out the prerogatives of Constantinople, the *Epanagoge* does not mention having any special source for them, but only quotes generally from the sacred laws.

Moreover, neither in content nor in language can any relation be discerned between the provision of the *Epanagoge* and the law of Hono-

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1. ZIEGLER, *Versuch einer pragmatischen Geschichte der kirchlichen Verfassungsformen in den ersten sechs Jahrhunderten der Kirche*, pp. 111-112. G. PHILLIPS, *Kirchenrecht*, II, 68-69. F. HINSCHIUS, *Kirchenrecht*, I, 583-586.

2. SOCRATES, *Eccl. Hist.* VII, 28, PG LXVII, 801.

rius and Theodosius. In fact there is obviously total disparity between them.

First of all, the provision of the *Epanagoge* bases the prerogative it formulates upon conciliar canonical resolutions recognizing the primacy of the throne of Constantinople. Moreover, it carefully explained that the various conciliar resolutions agree in awarding special prerogatives to the see of Constantinople. Finally, it speaks throughout of the rights of the throne of Constantinople in comparison with the other patriarchates. None of the characteristic points or features mentioned in the *Epanagoge* are to be found in the law of Honorius and Theodosius, which was only a civil measure with a secular format. There are, consequently, no grounds for recognizing this law as even so much as a secondary source of the provision of the *Epanagoge*, let alone as a primary source.

This conclusion was reached by Blastaris himself, who included both the law of 421 and the provision of the *Epanagoge* in his *Syntagma*. He put the law first, in the chapter dealing with the rights and prerogatives of the churches and their presiding bishops, and the provision of the *Epanagoge* in the chapter dealing with the patriarch. Yet it should be noted that he included the law in the section dealing with the secular laws, specifically to supplement the laws of Justinian's 131st Novel on the rank and honour of the senior churches and the prerogatives of the Archbishop of Justiniana Prima and the Archbishop of Carthage.<sup>1</sup> As far as the *Epanagoge* is concerned, he refers the reader to the eighth chapter of the second section, in which the provision is included.

Pavlov deduces from this reference that Blastaris only understands this provision of the *Epanagoge* in the sense of the law of 421, from which he derives it.

Blastaris' ideas, however, do not in the slightest resemble Pavlov's here. He only wished to convey the idea that the law of 421, as an enactment referring to a particular situation, must be understood and interpreted in the spirit of the general enactment, that of the *Epanagoge*. If this is not the case, one can only conclude that Blastaris was incapable of logical thought, because the general is normally seen as basis of the particular, and not vice-versa. When discussing the particular enactment, the law, Blastaris refers to the general enactment, the provision of the *Epanagoge*, with the aim of reinforcing and elucidating the meaning of the law. If Blastaris worked, as Pavlov maintains, the other way round,

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1. G. RHALLER and M. POTLES, op. cit., VI, 259-260.

and understood the provision of the *Epanagoge* in the sense of the law of 421, he would clearly not have included the *Epanagoge* passage, but would have confined himself to inserting the law in the *Syntagma*. In fact, however, he included both texts. It is to be inferred from the fact that he included the provision of the *Epanagoge* in its entirety, and without any comments on his part or additions from other sources, that he not only found it necessary, but also recognized it as having lost none of its force, and as sufficient for his purpose. In short, by including this section of the *Epanagoge*, with its detailed explanations of the special prerogatives of the throne of Constantinople, Blastaris clearly recognized the prerogatives as legal in theory and effective in practice.<sup>1</sup>

Patriarch Nilus relied upon the provisions of the *Epanagoge* in much the same way as Blastaris. He appears particularly to have taken advantage of them in his letter (*πικράμιον*) to the Metropolitan of Thessalonica, so as to demonstrate his right to hear appeals from dissatisfied parties. Taking the opportunity to develop the importance of patriarchal power in the Christian Church, Nilus especially insisted on the peculiar prerogatives of the throne of Constantinople allotted to it by the ecclesiastical canons and ratified by the secular laws. Among these prerogatives, the Patriarch also included the right of his see to hear appeals from dissatisfied parties even from other patriarchal areas. He wrote:

Your Reverence's report has been conveyed to your humble servant and has been read, and we have heard from it what you have written about and what you relate. I wonder therefore how you can cite the Apostolic canons in connection with the patriarchal privileges. For where were the rank and institution of patriarch in the days of the Apostles? But the canons of the Apostles merely legislate for all the bishops, and the patriarchs, as bishops, are subject to these canons, although as first and head of the bishops, they have their own canons, promulgated subsequently by the Holy Fathers, dating from the time when the rank of patriarch was created and the Empire was divided into five sections, and if anyone wishes to learn the privilege of the patriarch, he will learn it from the sacred canons of the holy and Oecumenical fourth Council, from the ninth (canon), I say, and the seventeenth. So that we may avoid a lengthy diatribe, I wish to pass through them in few words. And it is not to be said that they do away with the canons of the Apostles, for how (can this be) when the latter do not mention patriarchs? For the Apostles had no need to legislate about what had not yet come about, but the Fathers legislated and fixed the rank, and gave the appropriate privilege to each one, when the patriarchates were established, (and this legislation is to be found) not only (in) the afore-said canons, but (in) many others as well, which also gave the right of hearing appeals to the patri-

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1. Barsov, op. cit., 1882, 523-525.



archs, and particularly to the throne of Constantinople. These canons were also ratified by the laws of the famous Emperors and by the custom prevailing from those days and lasting until today, which, even if it were nothing else, was sufficient by itself to give form to the practice, by virtue of its having been ratified by so long a period of time. Listen to the laws which clearly speak:

"Supervision and care for all metropolises and bishoprics, monasteries and churches, as well as judgement, condemnation and acquittal, are the prerogative of the appropriate patriarch. The President of the Constantinopolitan Church is authorized to give *stauropagia* in the jurisdictional areas of other thrones, where there has been no previous consecration of a shrine; he may even consider and deal with such disputes as occur in the areas of other thrones and even bring them to judgement. Likewise he and he alone is arbiter and judge of repentance and the turning away from sins and heresies."

If, therefore, we have permission to act in such a manner in the other provinces, how have we not permission to act so in our own? <sup>1</sup>

While not denying this, Pavlov nonetheless believes that "it would be hasty to infer from this last sentence that the Patriarch recognized the first prerogative of his see as being as indisputable as the second."

The constancy with which the Patriarch expresses himself about the right of the throne of Constantinople to hear appeals from dissatisfied parties in preference to the other patriarchs and the clear reference to canon nine of Chalcedon allow no ambiguity: Nilus distinguished his prerogatives from those of the other patriarchs.

#### *Imperial Legislation.*

Admittedly the 123rd Novel of Justinian — one of the closest of all sources in ecclesiastical law to the Council of Chalcedon — accepted only two courts for the trial of bishops: that of the metropolitan, and that of the patriarch of each diocese. The local patriarch was seen as having the exclusive right to pass final, irrevocable judgement in judicial cases of an ecclesiastical nature. However, as Barsov properly points out, this does not diminish the spirit and contents of canons nine and seventeen of Chalcedon for three reasons:

Firstly, this Novel is not an interpretation of the canons of Chalcedon by the secular power, but a completely independent piece of secular legislation, aiming to prescribe more closely the process of trying clergy for crimes. Secondly, the 131st Novel of Justinian must also be taken into consideration at the same time: the Emperor here recognizes the canons

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1. F. MIKLOSICH and J. MÜLLER, *Acta Patriarcatus Constantinopolitani*, II, 40-41.

of the four Oecumenical Councils — that is those that had by then taken place — as having the same force as the secular laws. Thirdly, even if the 123rd Novel is still understood as recognizing only two courts for trying bishops, the metropolitan's and the local patriarch's, the authority of the canons of Chalcedon dealing with the judicial prerogatives of the throne of Constantinople still remains indisputable, because the Novel envisages the question of clerics accused of crimes and prescribes the criminal proceedings to be applied against them, while the canons referred to speak about the particular judicial prerogatives of the throne of Constantinople. This distinction also appears in connection with the enactment examined in the *Nomocanon of Photius*.<sup>1</sup> Since both before and after the Council of Chalcedon this right of the Patriarch of Constantinople prevailed in practice, there is no doubt that the secular laws which do not agree with the canons are to be understood in an analogous sense.<sup>2</sup>

The Emperors Valentinian III and Marcian in an enactment of 451 (included in Justinian's *Codex*, XII, 1, 2), decreed:

We require that all the imperial decrees which have been promulgated against the ecclesiastical canons as a result of the intervention of favour and ambition should lapse and lose their force and authority.

Marcian, in an enactment promulgated the following year, 452 (included in Justinian's *Codex* VIII, 1, 1 and in the *Basilica* VIII, 11), which ratified the decisions of Chalcedon, forbade any public dissension over the Christian faith, on the pretext that:

Shame is brought upon the judgement of the holy council by anyone who struggles to discuss and speak publicly about cases that have been judged once and properly settled . . . all therefore ought to observe carefully what has been fixed by the holy Council of Chalcedon, from now on questioning nothing.

But the first definitive, formal recognition that the ecclesiastical canons had the force of law was made by Justinian in his enactment promulgated in 530 (Law 44 (45) §1 & *Cod.* IV, 1,3), which prescribed the following:

Since . . . our laws desire that the holy canons should have no less force than the laws, we decree that what is defined about these things by the holy canons shall prevail, as if they were inscribed in the civil laws . . . For what the holy canons prohibit, we also through our laws exclude.

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1. G. RHALLS and M. POTLES, *op. cit.*, I, 169.

2. BARSOV, *op. cit.*, 1882, 509-510.

He took this up again in the sixth Novel (I, 8), which was promulgated in 532, where he writes:

Because they held good for those before us, it should properly be said by us as well that the holy canons must prevail before the law.

He reiterates it more explicitly in the 131st Novel, promulgated in 545:

We decree therefore that the holy ecclesiastical canons are to have the status of laws; that is to say those canons promulgated or ratified by the four holy councils, those of Nicaea, Constantinople, Ephesus and Chalcedon. For we accept the dogmas of these holy councils in the same way as the Holy Scriptures, and we keep the canons as laws.

Because many laws contradicted the canons, there arose the question of which were to prevail. Both in the collections of canons and in their ecclesiastical commentators preference is given to the canons.

Thus the *Nomocanon of Photius*<sup>1</sup> decrees:

The third provision of the second *Titulus* of the Novels desires that the canons of the seven councils and their dogmas should prevail in the same way as the Holy Scriptures. In book one of the *Codex*, *Titulus* III, in provision 44, and in the first and fourth provisions of the first *Titulus* of the Novels, it is decreed firstly that the canons have the force of law, and secondly that the laws follow the canons, and in Book I, *Titulus* II, provision 12, that imperial mandates (*sanctiones pragmaticae*) that go against the canons are invalid.

The two enactments referred to are that of the 131st Novel, chapter I, and that of law 44, *Cod.* (I, 3). But the first and fourth provisions of the first *Titulus* of the Novels are that of the sixth Novel (chapter I, par. 8) and that of the 83rd Novel (Chapter I). Finally provision 12 is originally from the twelfth law, *Cod.* (I, 2). Apart from the first, that of the 131st Novel, the other provisions were not included in the *Basilica*. For this reason, Balsamon writes:

And you are not to pay attention to these provisions, firstly because they do not contradict the 131st Novel of Justinian, and secondly because they are not included in the *Basilica*.

In his commentary on chapter II (of the first *Titulus*) of the *Nomocanon* of Photius, Balsamon says that the question of whether the canons or the laws should prevail where the two conflicted was discussed in his presence before the Emperor Manuel Comnenus. Some maintained that

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1. G. RHALLS and M. POTLES, *op. cit.*, I, 36.

"the canons should not prevail when they contradicted the laws, because the latter were written before the *Anacatharsis* (the *Basilica*) which thus made redundant those that were not in agreement with them." Others cited canons contrary to the laws and maintained that, according to the 131st Novel, the canons must hold sway. Balsamon observes:

Say that the canons prevail more than the laws, for the canons promulgated and fixed by Emperors and the Holy Fathers are accepted as are the Holy Scriptures. But the laws are only accepted or composed by Emperors, and for this reason do not prevail against the Scriptures or the canons.

Balsamon also expresses the same view in his other commentaries.<sup>1</sup>

In the *Brief Synopsis* (entry 20, chapter 78),<sup>2</sup> the provision of the *Basilica* mentioned above is summarized:

The ecclesiastical canons drawn up by the seven holy and Oecumenical Councils, or ratified by them—that is, they were made by other councils and confirmed by the Oecumenical Councils—have the status of laws.

There is added the comment:

In some cases they even prevail over the laws.

The *Syntagma* of Matthew Blastaris (entry 20, chapter 5) agrees with Balsamon that the canons should prevail:

It is therefore necessary for the canons to prevail more than the laws; for the laws are composed only by Emperors . . . while the canons were compiled by, and rely upon, the Holy Fathers, with the agreement, zeal and consent of the Emperors of the time . . .<sup>3</sup>

### *Modern Scholars.*

Modern scholars are by no means agreed in their interpretation of canons nine and seventeen of Chalcedon. Some of them, relying on Zona-

1. G. RHALLES and M. POTLES, op. cit., I, 37-38, 60.

2. Following I. and P. ZEPO, *Jus Graecoromanum*, VI, 436.

3. G. RHALLES and M. POTLES, op. cit., VI, p. 317. Cf. POULITSAS, op. cit., pp. 167-172. B. STEPHANIDES, 'Τὰ ἔργα τῆς ἐκκλησιαστικῆς νομοθεσίας τῶν Βυζαντινῶν αὐτοκρατόρων,' in 'Επετηρίς Ἐταιρείας Βυζαντινῶν Σπουδῶν' XXV, 1955, 12-27. K. MOURATIDES, op. cit., pp. 110, 125-126. A. ALIVIZATOS, 'Αἱ σχέσεις τῆς ἐκκλησιαστικῆς νομοθεσίας τοῦ Ἰουστινιανοῦ πρὸς τοὺς ἐκκλησιαστικοὺς κανόνας,' in 'Επετηρίς Θεολογικῆς Σχολῆς τοῦ Πανεπιστημίου Ἀθηνῶν' 1936, 6-7. I. PANAGHIOTAKOS, 'Εκκλησία καὶ Πολιτεία, pp. 86-89.

ras' interpretation and misinterpreting it, maintain that Constantinople's judicial jurisdiction was confined to the metropolitans, bishops and clergy of the Exarchates of Pontus, Asia and Thrace, and that he was entitled to hear appeals from these areas alone.

The author of the *Pedalion* (the *Rudder*), for example, holds the view that the Patriarch of Constantinople has no power to act in the dioceses and areas of the other patriarchates, and that he has been given no right to hear appeals from the Church as a whole. He bases his opinion upon the following reasons:

1. In the fourth session of the Council of Chalcedon, the officers representing the Emperor and the Council as a whole showed their disapproval of Anatolius of Constantinople for having acted beyond his competence in the case of the dispute between Photius of Tyre and Eustathius of Berytus.<sup>1</sup>

2. The secular and imperial laws do not specify that Constantinople's judgement and verdict alone are not subject to appeal. They speak unspecifically of all the patriarchs in the plural.<sup>2</sup>

3. If it is accepted that Constantinople judges the patriarchs and reviews their verdicts, and given that the canon makes no exception amongst the patriarchs, it must be assumed that he judges and reviews the verdicts of the Pope of Rome as well, and will be the chief, final and common judge of all the patriarchs, including the Pope.

4. According to the canons, no one, whether metropolitan or patriarch, has the right to act in churches beyond his jurisdiction, but can only do so in those subject to him.<sup>3</sup> The canons concerned are principally the 34th and 35th Apostolic canons, canons six and seven of Nicaea, three and eight of Constantinople, 20, 36 and 39 of the sixth Oecumenical Council (in Trullo), 3, 11 and 12 of Sardica, and 9 of Antioch.

I shall deal with these arguments in the four following paragraphs:

1. An attentive reading of the Acts of the Council of Chalcedon shows that the author of the *Pedalion* was quite wrong in asserting that disapproval was expressed against Anatolius of Constantinople, for the discussion of the question at the fourth session of the council led to the official recognition both by the imperial officers and the council as a whole of the legality and competence of the Resident Synod in which the Patriarch of Constantinople sat and of the resolutions it had taken, with the

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1. *Pedalion*, p. 192.

2. *Ibid.* p. 193.

3. *Ibid.* p. 193.

single reservation that resolutions should not be taken in it or by it condemning persons in their absence. As for the Oecumenical Council's decision about Photius' reinstatement to the see of Tyre from which he had earlier been deposed, and the restoration to him of the cities that had been detached from his jurisdiction — this is not mentioned at all, nor is it connected with the original question of the competence and legality of the Resident Synod, and of the authority of the resolutions taken in it. After Anatolius' speech on this subject there was no controversy whatsoever on these questions amongst the Fathers of the Council, except in their partial review of various details of the decisions taken by the Resident Synod, a review which did not in the slightest touch upon the synod's legality or competence.

2. The second argument of the author of the *Pedalion* is answered in the discussion of the subject on pp. 158 - 161.

3. The syllogism of the third argument can only be fully justified as well as explained if it is seen as reflecting the thought of the period it was written, c. 1800, when there prevailed an intense fear of the Pope, of which the author was himself a victim, being anxious that the constitutional government of the Church should be protected from papal absolutism. If it is judged for its intrinsic worth, leaving aside its historical context and the presuppositions on which it rests, it is likely to be misunderstood as mere sophistry, or at least as completely lacking in any historical objectivity. This would be quite incompatible with and alien to the way of thinking and spiritual depth of the author of the *Pedalion*.

4. Against the fourth argument it may be reiterated that such involvement is not based on canons nine and seventeen of Chalcedon, and as far as canonical order and practice in general are concerned it cannot be contemplated, let alone permitted. The authority of the canons advanced by the author of the *Pedalion* is quite unshakable, and their transgression is not to be contemplated. Yet the contents and authority of canons nine and seventeen are clear and unambiguous; it was in these canons that the proceedings to be followed in disputed ecclesiastical judicial cases were fixed, together with the special judicial rights in question of the throne of Constantinople. No one is entitled to distort or violate the sense, content or validity of these canons.

5. A further argument may be adduced against the author of the *Pedalion*, who erroneously understands the expression *ἐξάρχος διοικήσεως* not in the sense of patriarch, but as the first metropolitan of the diocese who had some prerogative greater than the other metropolitans of the same diocese. He cites as justification for his interpretation the fact that

the council did not say: "Whichever clergyman has a dispute with a metropolitan of another diocese, or whichever metropolitan has a dispute with a metropolitan of any diocese or area, let them be judged by the Bishop of Constantinople." While this is true, the council equally did not say that on the basis of its canons Constantinople judges and settles disputes between clergy and metropolitans only of specific ecclesiastical areas. The council therefore does not allow the canons to be interpreted in the sense of being restricted to the confines of the throne of Constantinople,<sup>1</sup> as the author of the *Pedalion* understands them.

Pavlov maintains:

The twenty-eighth canon converts the formerly inferior prerogative of the bishop of the capital into the regular right of an exarch, and in this sense abolishes it. Admittedly the Council of Chalcedon did not correct the original form of its two earlier canons, nine and seventeen. Yet the canon law sources nearest in time to the council leave no doubt that canons nine and seventeen then came to mean that the right of finally solving ecclesiastical judicial cases in each diocese (patriarchate) belongs exclusively to the local patriarch. One of these sources is Justinian's law of the eighteenth of October 530, the meaning of which is self-evident and further emerges in the analysis contained in the *Nomocanon* of Photius. All doubt and ambiguity are finally removed by a later Novel of Justinian's, the 123rd, which again only accepted two authorities for the ecclesiastical judgement of episcopal cases: the metropolitan and the local patriarch. Even after the Council of Chalcedon, cases again occurred in which the throne of Constantinople resolved disputes and other questions which had already been examined by the synods of other patriarchates, largely thanks to the fact that there was then in the capital a sufficient number of metropolitans from different dioceses for it to be possible to convoke the Resident Synod to examine particular cases of importance. The tendency to attribute this practice to law and canonical principle was thus natural, and with this in mind it was easier to take advantage of the law of Honorius and Theodosius II of 421, by which Eastern Illyricum (then still belonging to Rome's canonical jurisdiction) was in some respects put under Constantinople's jurisdiction. Secondly, canons nine and seventeen, which remained in their original form even after canon twenty eight was promulgated and were compared with the new canon, naturally came to mean that Constantinople had acquired the right to hear appeals from the other patriarchal areas. The law of Honorius and Theodosius II was reiterated in the *Epanagoge* of Basil the Macedonian, in the compilation of which we must assume that Photius participated, and appeal to canons nine and seventeen was made in the anonymous commentary to the ninth canon of Chalcedon, which is found for the first time in the *Canonical Collection* of Symeon Magister, and which could not possibly have been the work of Photius, who was a contemporary of Symeon Magister.<sup>2</sup>

1. BARSOV, op. cit., 1882, 531.

2. A. PAVLOV, op. cit., pp. 739-743. BARSOV, op. cit., 1882, II, p. 496.

Pavlov's arguments will be discussed under five headings:

1. Pavlov starts by making a tentative criticism of the Council of Chalcedon for self-contradiction, in that after it had promulgated canon twenty eight it did not immediately proceed to correct or modify the canons it had already decreed (9 and 17). As he can hardly distort the clear text of these canons, he refers to this so-called contradiction. Yet there is in fact no contradiction. The consistency and logical development are in fact remarkable, the canons being fully complementary and in mutual agreement. Canon twenty eight establishes the position of the throne of Constantinople in the Church in general, making it equal from this point of view with that of Rome, and precisely fixes the area of Constantinople's immediate jurisdiction in his capacity as patriarch of certain ecclesiastical dioceses. In this it supplements canons nine and seventeen, in which the council, distinguishing the procedure which must be observed in the examination of judicial cases involving clergy, had already made the throne of Constantinople a supreme tribunal by which cases from all the provinces of the East could finally be resolved if the litigants so desired. In canon twenty eight, the council made a special provision concerning the rights of the see of Constantinople as a whole, and its primacy in the Christian Church. The correlation running through the canons of Chalcedon not only excludes the possibility of any discrepancy between them, but also demonstrates the sequence of thought and harmony prevailing in them. <sup>1</sup>

2. To support his position, Pavlov quotes, as do some other scholars, Justinian's law of 530. Yet what demands special attention is what is written in the second paragraph of this law, which runs:

Si vero remissa causa a sanctissimo Patriarcha, aut ad aliquem ex religiosissimis metropolitanis aut ad alium Dei amantissimum episcopum, sententia lata sit, quae alicui parti displiceat, ac provocetur, ad archiepiscopalem sedem referatur appellatio, in qua, ut adhuc servatum est, cognoscatur. <sup>2</sup>

The contents of this paragraph do not, in my opinion, support Pavlov's position at all. The words *ad archiepiscopalem sedem* and *ut adhuc servatum est* cannot refer to the local patriarch, as the paragraph is clearly speaking about ecclesiastical judicial cases judged in a patriarchal diocese. It is impossible to believe that these cases were remitted for

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1. BARSOV, op. cit., 1882, 506-507.

2. *Corpus Juris Civilis*, P. KRÜGER - TH. MOMMSEN, p. 45. C. KIRCH, *Enchiridion fontium historiae ecclesiasticae antiquae*, p. 571.



final judgement to an inferior ecclesiastical authority. Naturally they could only be referred to a higher body. This could only be the archiepiscopal throne of Constantinople, which alone, as far as the prevailing practice went, reviewed cases and passed final judgement upon them. Anatolius of Constantinople formally cited this custom in the case of the dispute between Photius of Tyre and Eustathius of Berytus, and it was recognized by the Council of Chalcedon.

3. It is remarkable that Pavlov acknowledges and recognizes that even after the Council of Chalcedon there were repeated cases where Constantinople resolved disputes and other questions that had already been examined by the synods of other patriarchates. These cases can only be understood as demonstrating that canons nine and seventeen were applied. Pavlov refuses to correlate this practice with the canons in question, which in his opinion consider the Bishop of Constantinople and his throne in relation to his judicial rights only in the sense that they possessed the rights of a patriarch and a patriarchal throne over the subject dioceses of Pontus, Asia and Thrace. Pavlov seeks to attribute this to the fact that there was in the capital a sufficient number of metropolitans from various dioceses for it to be possible to convoke the Resident Synod to examine particular cases of importance. But even if this is the correct sense, does it not indicate yet again the indisputable fact that Constantinople was the supreme court of justice for those who had recourse to him over questions already examined by other patriarchal synods? This was the prevailing practice — a practice which finds its sole canonico-legal expression and formulation in canons nine and seventeen.

4. The composition of the provisions of the *Epanagoge* is attributed to Photius because certain passages of his works are similar to sections of the *Epanagoge*, and because of that patriarch's influence over the imperial court.<sup>1</sup> However, even if one accepts that Photius was the compiler of the *Epanagoge*, why must one accept — as Pavlov at least implies — that Photius, overestimating the importance of the Constantinopolitan see, introduced unsupported opinions, while not accepting what is more natural, namely that he merely wrote down what was the existing practice? Even if it be admitted that Photius had a hand in the compilation of the *Epanagoge*, this does not in the slightest diminish the authority of the provisions of this work.

5. The same prevails for the anonymous commentary on the ninth

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1. HERGENRÖTHER, op. cit., II, pp. 588-590.

canon, again attributed to Photius, which first occurs in the *Canonical Collection* of Symeon Magister:

It calls *exarch of the diocese* the patriarch of each diocese, to whom the metropolitans of that diocese are subject. Therefore the canon says that the bishop or clergyman of any diocese who has a dispute with his own metropolitan either should repair to the patriarch of the diocese, or if he does not wish to do this, he is free to have recourse to the throne of Constantinople. This prerogative is not given to any of the other patriarchs, either by the holy canons which the four Oecumenical Councils promulgated, or by the pious laws.<sup>1</sup>

This commentary clearly reiterates the view of canon nine to which it applies, and in fact aims to defend the sense of the canon by a special interpretation: namely that no similar prerogative was given to any of the other patriarchs, either by the holy canons or by the secular laws. The commentary is not a result of the tendency to trace prevailing practices back to a legal basis, as Pavlov maintains, but rather owes its existence to the desire that the sense of the ninth canon should be restored after its distortion by the Popes. It is chiefly related to what Pope Nicholas I wrote in his letter to the Emperor Michael III.<sup>2</sup>

Barsov<sup>3</sup> discerns a tendency to inflate the prerogatives of the throne of Constantinople as they had originally been envisaged by the canons of

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1. VOELLUS and JUSTELLIUS, *Bibliothecae Juris Canonici veteris*, II, 721.

2. This letter contains the following: "In quo hic tenor observandus est, ut si videlicet clericus, aut episcopus adversus metropolitanum habet querelam, et tanta urgetur necessitate, vel si hoc grave non ferat, ubicumque sit positus, primatem dioeceseos petat: quod si juxta Constantinopolitanam urbem quisquam eorum constitutus, et solius presulis ejus judicio velit esse contentus, petat eandem regiam urbem. Cum enim dixisset; petat primatem dioeceseos, preceptum posuit eadem sancta Synodus, regulamque constituit. Cum vero disjunctiva conjunctione addidisset, aut sedem regiae urbis Constantinopolitanae: liquet profecto, quia hoc secundum permissionem indulsit. Ergo saltem nunc non videtis ad majora semper esse prope- randum et quanto magis ad potioris auctoritatis judicium tenditur querimonia, tanto adhuc amplius majus culmen petendum est, quo usque gradatim perveniatur ad eam sedem, cujus causa aut a se negotiorum meritis exigentibus, in melius commutatur aut solius Dei sine quaestione reservatur arbitrio" (J. MANSI, XV, 201). Pope Nicholas' interpretation of the ninth canon of Chalcedon, which takes *ἐξάρχος τῆς διοικήσεως* to mean the Pope, is quite extraordinary. He understands the word *διοίκησις* not as a large or small province, but as all the dioceses, in other words the whole *oecumene*. This interpretation, which quite clearly was advanced so as to present Pope Nicholas as the only competent person to judge the dispute between Ignatius and Photius, was rejected even by Hergenröther (op. cit., I, 568), who realized how paradoxical and baseless it was. See GENNADIUS of Heliopolis and Thira, op. cit., p. 178.

3. BARSOV, op. cit., 514.

the Council of Chalcedon. He detects this in the commentary on canon nine, in the anonymous polemical treatise against the champions of the Roman primacy, which is attributed to Photius,<sup>1</sup> and in the opinions of the Byzantine commentators and writers, in particular Nilus Doxapatres<sup>2</sup> and Macarius of Antioch (circa mid-fifteenth century), both of whose opinions are undoubtedly based on the same canonical principle of the Chalcedonian canons. This tendency, Barsov maintains, was a result of these writers' polemic against papal assertions. An example is the view of Macarius of Antioch, who expands the scope of the ninth canon, believing that the Patriarch of Constantinople had been given the right to hear appeals even from the Roman diocese.<sup>3</sup>

Barsov, commenting on canons nine and seventeen of Chalcedon and the rights of the throne of Constantinople which derive from them, writes:

Both canons put forward either the court of the exarch of the area, or that of the throne of the capital, Constantinople, as the final court of justice in the settlement of disputed cases. Yet neither of these canons contains so much as the merest hint that the Council of Chalcedon is speaking about setting up a tribunal in a specific ecclesiastical area or patriarchate. Consequently any supposition that the force of the canons of the council was confined within particular limits, even if they were those of the Patriarchate of Constantinople, is arbitrary. Both canons equally emphasize the throne of Constantinople as a court to which any clergyman can address himself at will when he is dissatisfied with his own metropolitan, bypassing the court of the exarch of the area. Thus Chalcedon does not make Constantinople equal in judicial rights with the exarchs of the dioceses. On the contrary it recognizes his see as having special judicial rights, in that it permits clergy and bishops belonging to the other dioceses to have recourse to the throne of Constantinople.

The Council of Chalcedon provided the clergy and the bishops with the right, when they had disputes, or were dissatisfied with their metropolitan, to have recourse, at their discretion, either to the *ἐξαρχος τῆς μεγάλης περιουσίας (θέματος)* "the exarch of the large area" (*theme*)—this must refer to the Patriarchs of Alexandria, Antioch and Jerusalem—or to the throne of Constantinople, because of his special position in the Christian East. In applying the canons of Chalcedon in practice without violating their canonical principle even the metropolitans in their disputes with other metropolitans were able to have recourse to the throne of Constantinople. But in all such cases, the Patriarch of Constantinople with his synod functioned by right as an arbitrator, and his resolutions became obligatory for the parties concerned and were seen as final.

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1. I. VALETAS, *Φωτίου Ἐπιστολαί* pp. 567-571. HERGENRÖTHER, *op. cit.*, III, 171-172.

2. PG CXXXII, 1100.

3. L. ALLATIUS, *De Eccl. consens.*, I, 18, n. 11, pp. 266-267.

The transfer of such cases from the throne of Constantinople to the Roman see could not occur, because it would violate another canonical principle involving the equality of the Bishops of Rome and Constantinople, where both rights of personal power and the prerogatives of their sees were concerned. Apart from this, it must be clearly demonstrated that in relation to the Christian East and its patriarchates, Chalcedon did not appoint Constantinople as a judge to whom those dissatisfied with the judgement of their own patriarch could appeal, and by whom the decisions of the other patriarchal thrones could once again be reviewed and revised. If such a conception of the judicial prerogatives of the see of Constantinople and its incumbent is rejected even in these interpretations of the Greek canonists,<sup>1</sup> I am also obliged to remain faithful to my own interpretation.

The Chalcedonian canons contain no hint that the Bishop of Constantinople and his see were judges of the activities and administrative decisions of the other patriarchs and their sees, as this would be a declaration of "papacy" on a canonical level. Yet the canons do give the Patriarch of Constantinople the prerogative of being able to accept for final review in his see complaints about disputes and misunderstandings coming from the other patriarchates. By the bestowal of such a prerogative upon the throne of Constantinople, the canonical principle by which each patriarch must be the supreme judge in his theme and that the see of each patriarch must be a self-sufficient centre of ecclesiastical relations for the respective patriarchate is not affected in the slightest.

The preservation of this principle was guaranteed by the fact that, parallel with the force of the Chalcedonian canons about the prerogatives of the throne of Constantinople, its force was also maintained in its entirety by the provision by which the judgement of clerics for breaches and infringements relative to violations of the functions of the pastoral calling, the canons of ethical intercourse and of ecclesiastical discipline was initiated and brought to a conclusion within the boundaries of each patriarchal area, in accordance with the general fundamental procedure approved by the ecclesiastical canons and ratified by the secular laws.

The Council of Chalcedon, defining the special prerogatives of the Constantinopolitan throne, was not thinking of judicial cases where clergy had committed infringements of various kinds, nor did it touch on internal administrative order; it left in force the canonical provisions in operation relating to those aspects of church organization.

Thus only by misinterpreting and consequently conceiving erroneously the prerogatives given Constantinople by the canons of Chalcedon can one oppose these prerogatives, and thus distort the very principle of these canons. The author of the *Pedalion* properly observes that Orthodox commentators on the Chalcedonian canons "opposed to the principle of the Pope, and wishing to honour the

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1. Balsamon, for example, who makes the Patriarch of Constantinople entirely equal to the Pope of Rome, clearly recognizes the former as having all the privileges enjoyed by the latter. Aristenus explicitly confirms that the canons did not give the privilege of judging a metropolitan subject to the jurisdiction of another patriarch to any of the patriarchs other than Constantinople.

Patriarch of Constantinople, tend to exaggerate by maintaining that the Patriarch of Constantinople is given the right of hearing appeals from the entire Church, and that he is the first and supreme judge over all the patriarchs." Yet the same author, erroneously understanding the expression in the canons *ἐξ αρχῆς διουκρίσεως*, interprets it in the sense of the first metropolitans in the dioceses or areas subject to Constantinople. The author sees as an essential basis of this interpretation the fact that the council did not say: "Whichever clergyman has a dispute with a metropolitan of any diocese or area, let them be judged by the Bishop of Constantinople." While the council did not say this, it equally did not say that on the basis of its canons Constantinople judges and settles disputes between clergy and metropolitans only of specifically limited ecclesiastical areas. The council therefore does not allow the canons to be interpreted in the sense of being restricted to the confines of the Patriarch of Constantinople. In short, every confusion and disagreement in the understanding of these canons proceeds from the fact that, in their elucidation, what is *essential* is not taken into consideration, namely that the council was then thinking only of the settling and resolving of disputes emerging from the incorrect separation of ecclesiastical areas, from the misappropriations of material goods and the rights connected with these, and not the settling and resolving in general of judicial cases resulting from the infringement of the rights of the church and of the stipulations and demands of discipline existing within it. As the cases of the first type belong to the sphere of external inter-church relations, so those of the second belong in the realm of internal church order. For this reason, in the examination of cases of the first group it was perfectly natural to grant the throne of Constantinople—which had at its disposal in the Resident Synod a special body for the successful resolution of such cases—a special prerogative, that dissatisfied parties could, at their discretion, have recourse to Constantinople, and not to their own patriarch.

The council, however, did not extend the force of this prerogative to cover the other judicial cases which Constantinople did not judge. These cases had to follow the procedure laid down for them. Just as, by giving Constantinople this prerogative, the council did not violate the general procedure of cases in the other patriarchal areas, so through the restriction of this prerogative's force to a particular group of cases, the council left intact the internal jurisdiction and power of the patriarch in each area. The interpreters of the Chalcedonian canons, overlooking such a distinction, sometimes tended in practice to expand Constantinople's prerogatives, recognizing him as having on the basis of these canons the right of being the supreme court of appeal, not only in the Christian East, but in the Church throughout the world. Sometimes they completely rejected any prerogative, denying Constantinople, again on the basis of these canons, even the right to settle disputed cases indirectly. This dichotomy in interpreting Constantinople's prerogatives is a characteristic of the judgements of the Byzantine canonists and writers about the position within the Christian Church of the Constantinopolitan see and its bishop.

This characteristic is not an independent phenomenon resulting from insufficient clarity in the canons, or from a lack of historical examples capable of clarifying the true facts; it is rather a direct product of the polemic against the illegal claims of the Western Papacy to subjugate the Christian East and espe-

cially the see of Constantinople. The consideration predominating in the claims of the Popes where the Christian East was concerned was their tendency to submit the see of Constantinople to their authority.

So as to put forward their claims and impose them successfully, the Popes did not fail to distort and interpret to their advantage the clear canons of the council. For this reason, the Patriarchs of Constantinople were in retaliation obliged to discover arguments in these canons supporting their own position. While the Popes, misinterpreting the canons for their own purposes, were aiming to diminish the see of Constantinople, the Patriarchs of Constantinople, propounding the true sense of the canons, attempted to protect their prerogatives and their see and to reveal the real intentions of Rome. In this rivalry, there is no doubt that extreme positions are to be found on both sides. This being the case, to understand these prerogatives properly both these extremes must be avoided: the position which speaks of the see of Constantinople as the heir of Rome's prerogatives, and sees its patriarch as supreme judge who reviews all the cases resolved by the other patriarchs, including even the Pope, and at the other extreme the tendency to diminish the importance of the Constantinopolitan see, identifying it completely with the other patriarchal sees, and representing its patriarch as no different from the others.

If such extremes are avoided, we should not be far from the correct sense of these canons. *Recognizing that Rome and Constantinople had equal prerogatives, and exalting Constantinople in a manner analogous to Rome in general ecclesiastical questions, these canons afford Constantinople the prerogative—distinct from the other patriarchs—of reviewing cases involving parties dissatisfied with the metropolitans in disputed cases emanating from the other patriarchates. The bestowal of this prerogative, although involving no suggestion of subordinating the other patriarchs to Constantinople, nonetheless entailed distinguishing him from the others in the sense that it made his see the arbitrator in resolving disputed cases throughout Eastern Christendom, particularly in cases where the interests of one see clashed with those of another, as a result of the boundaries having been incorrectly fixed, and cases involving other related questions.* Constantinople was given this prerogative chiefly as a consequence of his position in the imperial capital, and of other circumstances and facilities which could ensure the proper, uninterrupted settlement of such cases.<sup>1</sup>

For a number of reasons, but particularly because of their lack of clarity, certain points in Barsov's argument provoke serious reservations.

1. Barsov does recognize that the canons of Chalcedon award the throne of Constantinople the prerogative of hearing appeals from beyond the limits of his jurisdictional area, in fact from the entire East. However, he is apparently dependent on the narrow grammatical sense of canon seventeen, and interprets the nature and extent of Constantinople's prerogative of hearing appeals on the basis of it. As a result, he considers

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1. BARSOV, *op. cit.*, 1882, 499, 527-533; the italics are mine.

that this prerogative did not embrace all judicial cases generally, but was restricted to boundary disputes and disputes involving "other related questions." He does not say what these "other related questions" are, or what are the "misappropriations of material goods," of which he speaks in this connection earlier in his argument.

Does not his interpretation totally contradict both the wording and the spirit of canon nine, which explicitly says: *εἰ τις κληρικὸς πρὸς κληρικὸν πρᾶγμα ἔχει . . . εἰ δέ τις πρὸς τὸν τῆς αὐτῆς ἐπαρχίας μητροπολίτην ἐπίσκοπος ἢ κληρικὸς ἀμφισβητοῖ . . .*? This clearly indicates that the whole of this formulation is so general as to exclude not only Barsov's separation of disputed cases into those with an "external, inter-church character" and those involving "internal church order," but also any tendency, however remote, to make any other distinction of the kind.

One can further ask if it is not strange, and also typical of the rather artificial character of Barsov's interpretation, that neither this nor a similar interpretation is to be found in any other ancient or modern canonist.

Barsov's argument also confirms the truth of the hermeneutic principle that methods of interpretation which lead to conclusions opposed to the manifest desire of the legislator as it appears in the wording of the legal enactment under consideration must be used with the utmost restraint, as they can lead to one-sided, sometimes even contradictory conclusions.

2. It is strange that while Barsov accepts what he wrote in the section of his argument I have quoted above in italics, he still maintains that Constantinople's right of hearing appeals is entirely limited to those cases involving border disputes and "other related questions", because otherwise to extend this prerogative to cover all judicial cases would be "papacy" on a canonical level."

Is this not self-contradictory? For it if is a declaration of canonical "papacy" to extend Constantinople's right of hearing appeals to cover all judicial cases, the question automatically arises: why should the recognition of this right at all, even when restricted to the cases specified by Barsov, not be seen as "papacy"?

What is the criterion of "papacy" in this case? Does it lie in the nature of what is under dispute, or in recognizing that the Patriarch of Constantinople has the prerogative of hearing appeals also from the other patriarchal thrones?

Since Barsov recognizes that the bestowal of this prerogative as outlined in the passage quoted above in italics does not constitute "pa-

pacy", how can the other side of his argument be justified, that to extend the right of hearing appeals to cover all judicial cases would be declaring " 'papacy' on a canonical level"? Is not Barsov's attempt to rest this part of his argument on making a distinction amongst the disputed cases, between cases of an external, inter-church character and those involving internal church order, artificial to say the least, given that the entire formulation of canon nine excludes this distinction? Is the position that it is the nature of what is under dispute which constitutes the characteristic element of "papacy" at all tenable?

J. Sokoloff, Bishop of Smolensk, writes:

... if a bishop or presbyter had a dispute with his own metropolitan, they were to be judged by the synod of the area under the presidency of the exarch, that is the first metropolitan in the area, who later became the patriarch. Alternatively, the litigants could have recourse to the throne of the Bishop of Constantinople and be judged by him. This was a special privilege of the Patriarch of Constantinople, who had been authorized by both ecclesiastical and civil legislation to resolve by arbitration disputes throughout the East, as Rome was entitled to do in the West (canons 9, 17 and 28 of Chalcedon). By allowing dissatisfied parties the right to have recourse to the Patriarch of Constantinople merely at their discretion, without compelling them to do so, the council does not allow this patriarch to wield excessive power. Secondly, by formally augmenting Constantinople's prerogatives in the East, the council stops any external power from becoming involved in Eastern cases. Quite clearly, the conciliar resolution was specifically aimed against the strong claims of the Roman see. This strengthening of the see of Constantinople was proper because of the honour of the *πρεσβεία* and the immense importance of the see throughout the Eastern Church, and also because of the distinct benefit for church order deriving from the concentration of the supreme rights of the diocese in one see, balancing in fact those prerogatives which the throne of Rome had possessed for so long in the West. Cases were to be settled finally by the patriarch without the possibility of further litigation. In general the canon of Chalcedon agrees with the earlier canons of the Church (5 of Nicaea, 6 of Constantinople, 11, 15, 37, 117 and 139 of Carthage, and 12, 14, 15 and 20 of Antioch) and was ratified by later canons. Marcian, Emperor at the time of the council, also ratified this resolution, and in subsequent years the secular laws fixed the judicial status of the clergy in agreement with it.<sup>1</sup>

Hefele interprets canon nine as follows:

There is no doubt that the phrase *ἐξάρχος διοικήσεως* in this canon, and in canon seventeen where it is also found, means those superior metropolitans who had under their control certain ecclesiastical provinces.

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1. J. SOKOLOFF, Bishop of Smolensk, *Oput kursa tserkovno Zakonovedenija*, II, 277-280. BARSOV op. cit., 1881, 576-577.



It is, however, conceivable that the principal superior metropolitans (those later called patriarchs) are also meant. Justinian in the twenty-second chapter of his 123rd Novel uses indiscriminately the term *πατριάρχης* in the place of *ἐξάρχος*. Aristenus sees both titles as identical: . . . *μόνον τῷ Πατριάρχει Κωνσταντινουπόλεως ἐδόθη τὸ προνόμιον τοῦ δικάζειν μητροπολίτην τελούντα ὅφ' ἕτερον πατριάρχη*. ". . . only the Patriarch of Constantinople was given the prerogative of trying a metropolitan subject to another patriarch." Beveridge also interprets the canon in the same way.<sup>1</sup> Van Espen, on the contrary, conjectures that the council would here have meant only the exarchs in the restricted sense of the word (Ephesus, Caesarea and Heraclea), and not the Patriarchs of Rome, Alexandria, Antioch and Jerusalem, because this would have undermined canon six of Nicaea. Still less could the council have fixed such a process for the West, that is allow any cleric of the territory pertaining to the Roman Church to have recourse to the Patriarch of Constantinople, because in canon twenty eight Chalcedon acknowledged Rome's prerogatives.<sup>2</sup> In my opinion, neither Beveridge and the others nor van Espen are completely right, but each is partially. We must accept with van Espen that when the council promulgated this canon, they were thinking only of the Greek Church, and not of the Latin as well . . . On the other hand, Beveridge is right when he affirms that Chalcedon did not distinguish between the terms *patriarch* and *exarch* (because otherwise each distinction would necessarily have been noted in the text) and allowed the disputes which arose between bishops of the other patriarchates to be resolved by the Patriarch of Constantinople.<sup>3</sup>

Richter, calling the Bishops of Constantinople, Alexandria, Antioch and Jerusalem patriarchs, writes:

These all had the right of convoking the bishops of their dioceses to synods and of acting as supreme court in the hearing of cases involving metropolitans. But the Bishop of Constantinople was a party to this prerogative, and for this reason was recognized as the centre of the churches of the East.<sup>4</sup>

Hergenröther, discussing canons nine and seventeen, writes:

In these canons it is specifically said that if a bishop or clergyman has a dispute with the metropolitan of his province, he can have recourse either to the exarch of the diocese, the chief metropolitan, or to the throne of Constantinople. For this reason, the throne of Byzantium was seen as an authority, as a judicial power, for all the churches of the East, including the areas belonging to Alexandria and Antioch. Although this prerogative was recognized only with conditions, because the injured party was allowed to apply at his discretion either

1. BEVERIDGE, *Synodicon*, II, p. 115.

2. VAN ESPEN, *Commentarius*, p. 241.

3. C. HEFELE and H. LECLERCQ, *op. cit.*, II, 2, pp. 795-796.

4. RICHTER, *Kirchenrecht*, p. 62.

to the throne of Constantinople or to the head bishop of his diocese, it was still undoubtedly a substantial privilege.<sup>1</sup>

Janin writes:

The usurpations (*empiétements*) which the Bishops of Constantinople constantly perpetrated for one hundred and twenty five years assured their supremacy over almost half the Eastern Empire, thanks to the Council of Chalcedon. For a while, their ambition had been satisfied. Nevertheless, Anatolius, Bishop of Constantinople at the council, decided to forestall all possible opposition and through the council made legal the privileges which both he and his predecessors had appropriated.

As for the contents of canons nine and seventeen, Janin agrees with Aristenus and with the modern scholars Leclercq and Jugie, who adopt his view, that these canons gave the Bishop of Constantinople judicial jurisdiction beyond the boundaries of his patriarchate, and writes:

Anatolius was immediately successful in having the prerogative awarded him by custom recognized: the prerogative, that is, of acting as judge in disputes arising in the other Eastern churches — not just in the three exarchates, but also in the Churches of Alexandria, Antioch, Jerusalem and Cyprus. Admittedly this power had originally been recognized as the prerogative of the Resident Synod, but by the decision of the Council of Chalcedon it passed to the synod's natural head, the Bishop of Constantinople. Finally he emerged as the supreme arbiter in the East for all cases subject to his ecclesiastical jurisdiction . . . excepting appeal to the Pope of Rome, should Constantinople's verdict not satisfy the litigants. Every church had to recognize the new power granted to Constantinople, because canon nine, which gave him this power, was entered in the civil code and consequently enjoyed the same authority as the civil laws.<sup>2</sup>

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1. HERGENRÖTHER, *op. cit.*, p. 74.

2. R. JANIN, 'La formation du Patriarcat oecuménique de Constantinople,' in *Echos d'Orient* 1910, 214. Similar assertions have been made by some of the other Assumptionist Fathers (L. Petit, J. Pargoire, S. Vailhé, S. Salaville, V. Laurent, M. Jugie and others). The late Metropolitan of Heliopolis Gennadius has the following comments: "These theologians have studied a large number of sources and books in their efforts to trace the life of the Patriarchate of Constantinople. Most of them, however, being prejudiced and sometimes motivated by fanaticism, did not always want to see the objective truth" (*op. cit.*, p. 172). Similar assertions to those of the Assumptionists have unfortunately been reiterated by some modern Western historians, such as Bardy, Hajjar and Monachino, in spite of the fact that they are worn out anachronistic clichés and represent a stubborn adherence to the deplorable tactic of flagrantly perverting truth and distorting history (L. PHILIPPIDES, *Μελέτημα-τα*, p. 9). However, for the sake of historical objectivity, they must be judged within their historical context, a period characterized by bitter polemic, which, it must be confessed, some Orthodox historical theologians indulged in. We hope

Yet Janin's views on *empiétements* seem far removed from historical objectivity. Do they not indicate at the very least a lack of any rudimentary respect for the resolutions of an oecumenical council? For if the practice prevailing both before and after Chalcedon did not express the consciousness of the Church, but was, as Janin believes, a continuous series of illegal acts on the part of the Constantinopolitan throne, how are we to explain the promulgation of the Chalcedonian canons, and how are their contents to be interpreted? Further, if, for the purposes of the argument, we accept the hypothesis that the Church of Constantinople acted for over a hundred and twenty five years against the letter and spirit of the canons of the Church, why did the Fathers of Chalcedon not immediately officially censure these arbitrary acts of the Bishops of Constantinople? Why did they not pass legislation to limit and stop uncanonical behaviour, rather than (as they did in canons nine and seventeen) recognize Constantinople as having peculiar specific privileges and prerogatives? Perhaps we are to suppose that the Fathers of Chalcedon lacked the necessary historical experience, and had a short-sighted or insensitive grasp of canonical thinking, such as some modern Roman Catholic scholars appear to have. At the very least this would be unpardonable disrespect for the Fathers of this council.

On the judicial jurisdiction of Constantinople, Vailhé writes:

Should appeal be made to him, the bishop of the capital held the exclusive right of settling any case brought before his tribunal by clergy from the Patriarchates of Jerusalem, Antioch and Alexandria, and also from the Church of Cyprus. Two special canons, the ninth and the seventeenth, define more precisely the extent of the Resident Synod's jurisdiction and make the Bishop of Byzantium the supreme judge of ecclesiastical cases in the East . . . As a result, the Bishop of Constantinople's authority constantly increased. He occupied second place in the Oecumenical Church, first place in the East, and if appeal were made to him, all the other churches of the East, whether they liked it or not, were obliged to appear before his tribunal. For canon nine was incorporated in the civil law and as a result possessed the same authority as any other imperial law.<sup>1</sup>

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and pray that this attitude will not — indeed it must not — have any place in the present era of unity (by which I mean the cooperation of Christians of all confessions in love and mutual understanding, and the coordination of their activities) and of genuine oecumenism, particularly in the new period, inaugurated with such high hopes, of rapprochement and sincere, close cooperation between the two sister churches of Old and New Rome.

1. S. VAILHÉ, 'Eglise de Constantinople,' in DTC III, 2, col. 1329.

On canon nine, Rhalles writes:

The metropolitans were tried by the exarchs of the dioceses or the patriarchs, not by the provincial synods, because the metropolitan himself presided over these. Thus canon nine of Chalcedon prescribes that the exarch of the diocese or the patriarch hears cases where the bishops or other clergy are involved in litigation against the metropolitan of the province, and according to the Novel of Justinian (123 chapter 22) such cases are heard by the appropriate patriarchs. The patriarch would not try metropolitans by himself, but would do so with his patriarchal synod, formed of the metropolitans of the patriarchal area acting as judges or jurors . . . *According to . . . canon nine of Chalcedon, cases where bishops or other clergy are involved in litigation against the metropolitan are heard either by the patriarch to whom they are subject, or by the Patriarch of Constantinople.* The council prescribed this last because of the frequent presence in that city of large numbers of bishops from different places, who formed around the patriarch the Resident Synod.<sup>1</sup>

Kartaschoff agrees:

The Archbishop of Constantinople's prerogative of hearing appeals is canonically indisputable, and analogous with the customary prerogative of the Popes of Rome<sup>2</sup> . . . . . If appeals were frequently and customarily heard

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1. C. RHALLES, *Πρωκὸν Δίκαιον*, pp. 477-478.

2. It was by no means uncommon for litigants to appeal to the Bishop of Rome. This is well known, and the practice was given legal recognition by canons 3, 4 and 5 of the Council of Sardica, canons which occasioned considerable controversy. C. RHALLES (*Πρωκὸν Δίκαιον*, p. 486) examined this question at considerable length and arrived at conclusions which in the opinion of Troiannos do not hold together. To interpret the canons of Sardica, one must bear in mind the conditions prevailing in the Church at the time they were promulgated. When the council was called, the Arians and Arianizers enjoyed imperial support and managed to dominate nearly every synod which met in the East, condemning and expelling all bishops who in spite of all this adhered to the faith recognized as orthodox by the Council of Nicaea. This forced many of the persecuted bishops to appeal to Rome for protection and legal redress, so as to be able to return to their churches. The judicial means of appeal already instituted by canon five of the Council of Nicaea was of no avail, being unable to guarantee a verdict that was any more just, because those who heard the case on appeal believed the same as those who heard the case at a lower level. Faced with this situation, the Fathers of Sardica renewed the basis of appeal against a sentence of deposition by putting it under the control of the Pope. In particular it gave him the initiative in composing the appeal courts (S. ΤΡΟΪΑΝΝΟΣ, *Ἡ ἐκκλησιαστικὴ δικονομία μέχρι τοῦ θανάτου τοῦ Ἰουστινιανοῦ*, 144). The Bishop of Constantinople was later acknowledged to have a corresponding prerogative. It is worth quoting Balsamon's comment on canon three of Sardica, where he writes: "One must understand that the rights which have been defined for the Pope are also awarded to the Patriarch of Constantinople, because he has been honoured in all things like the Pope by various

within the broad limits of the Patriarchate of Constantinople, which contained within itself most of the national churches — the Bulgarian, the Serbian, the Vlach and the Russian—, and these formed part of the regular internal functioning of every local church, as is indicated, for example, by the history of the Russian Church, which until 1448 provides a continuous illustration of Constantinople's having a direct, administrative and judicial right over it, then in spite of the fact that not many cases have as yet been unearthed from the archives, the number of cases recorded in history where the Patriarch of Constantinople heard on appeal cases from the other patriarchal areas cannot be insignificant. These cases are characteristic of the oecumenical authority of the throne of Constantinople, in that its judgement and power were extended even over the autocephalous churches not subject to it, whether they applied to it voluntarily or involuntarily . . . Under Anatolius, the Council of Chalcedon promulgated its ninth and seventeenth canons and the famous twenty-eighth canon, through which the throne of Constantinople's right of hearing appeals was officially confirmed even in a "world-wide, oecumenical" sense.<sup>1</sup>

Emil Herman is of the opinion that:

The Councils of Nicaea and Antioch had already established the institution of an authority to review the decisions of the episcopal synod. Yet what would happen if the decision of this court did not appear satisfactory to either of the

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canons. It is prescribed that the Pope is to give the right of hearing appeals to neighbouring bishops and not to keep the case for himself, so that the bishop who pronounced sentence shall not be compelled to transfer to Rome from, say, Thessalonica, nor even the party who has won the case. For if this is not so, and the bishopric lies near the bishop who pronounced sentence, the appeal shall not be conducted by neighbouring bishops, so it seems to me, but rather by the patriarch, in accordance with the laws which say that appeals are conducted by higher judges, not by judges of equal or lower status. And the sacred laws prescribe that the appeal judge shall not refer the hearing of the appeal to another. If you say that this has been given as a privilege to the Pope, it is nothing new" (G. RHALLES and M. POTLES, op. cit., III, 237). As far as modern scholars are concerned, Leclercq commenting on canon 9 of Chalcedon points out that this canon provides Constantinople with a greater prerogative than that given Rome by canon 5 of Sardica. Rome is given the prerogative of hearing appeals and of appointing other judges to retry cases, while Constantinople is given the prerogative of retrying cases himself (C. HEFELE and H. LECLERCQ, op. cit., II, 794). Others point out that "since Leclercq has made a comparison between Rome and Constantinople's rights of hearing appeals, we must point out the difference: that one is based on the decisions of a local synod at which only Western bishops were present (for this reason, the Council of Constantinople in canon five calls the Definition of Faith drawn up by this council the *Tome of the Westerners*), while the other was a decision of an Oecumenical Council" (E. PHOTIADES, "Εξ ἀφορμῆς ἐνὸς ἄρθρου," in *Ὁρθοδοξία* 1948, 11).

1. A. KARTASCHOFF, *Τὸ τῆς ἐκκλησίας δικαίωμα τῶν Οἰκουμενικῶν Πατριαρχῶν ἐν τῇ Πράξει*, translated from Russian by PHOTIADES, in *Ὁρθοδοξία* 1948, 280-281.

parties concerned? Occasionally, they would appeal to a "great synod". This measure, however, soon proved to be insufficiently conclusive. There were no precise rules defining who should call the synod, who should take part in it, where it should be held, and the like. Canon nine, on the other hand, creates in the judicial power of the exarch of the diocese a third level court. This is reiterated in canon seventeen. This was an important step in the emergence of the patriarchate as an institution. At the same time, the canon also contained a provision which was to increase the authority of the Constantinopolitan throne. The appellant was given the freedom to have recourse either to the exarch of the diocese, or to the Archbishop of Constantinople. This provision did not recognize Constantinople as having the right to review the verdicts of the exarchs, as some have erroneously maintained, but as having the right to reach the verdict instead of the relevant exarch. That is to say Constantinople was given a parallel judicial power. Yet even this interpretation involves a diminution of the other exarchs' authority against that of the Bishop of Constantinople. Moreover, this canon raises questions which interpreters answer differently. The most important of these questions involves the identity of the exarchs of the dioceses mentioned in the canon. In the sixth canon of the Council of Sardica of 343, there is mention of *οἱ ἐξαρχοὶ τῶν ἐπαρχιῶν* — the exarchs of the provinces — who undoubtedly are the metropolitans. In 448, Ibas of Edessa describes John of Antioch as his exarch.<sup>1</sup> The title was so applied to Domnus of Antioch: the bishop Athanasius said: "(I was) called by the Exarch of the diocese of Oriens."<sup>2</sup> In spite of this, the name came to be understood later as a title of the Bishops of Caesarea, Ephesus and Heraclea. The Byzantine canonists Zonaras and Balsamon<sup>3</sup> and some Latin canon lawyers took this position. Hinschius is of the opinion that the office of exarch existed as early as the period of the Council of Nicaea with the same privileges and prerogatives as the Patriarchs of Alexandria and Antioch possessed, although they had been given to these two bishops because of the importance of their churches.<sup>4</sup> This is certainly without foundation, but Hinschius correctly discerns that this title, like that of patriarch, was at that period still vague, and only later, when the meaning of the title of patriarch had already been fixed, did the title of exarch likewise take on a more specific sense. In other words, at the period when the Bishops of Caesarea, Ephesus and Heraclea had lost their superior power, this title was preserved for them as the title of a bishop with special unique prerogatives over the metropolitans of the area. Against this, from the fact that in the signatures of the Council of Constantinople III of 680 the Metropolitan of Caesarea is referred to as Exarch of the Pontic diocese, and Ephesus as Exarch of the Asian diocese, Hönigmann deduces that before the establishment of the Patriarchate of Constantinople in 381 the title exarch — by 680 it was more an honorary title — meant the official rank of the first metropolitans who had acquired the supreme power in the dioceses founded by

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1. J. MANSI, op. cit., VII, 237.

2. J. MANSI, op. cit., VII, 348.

3. G. RHALLER and M. POTLES, op. cit., II, 259-262.

4. P. HINSCHIUS, *Das Kirchenrecht der Katholiken und Protestanten in Deutschland*, I, p. 576.

Diocletian.<sup>1</sup> In fact, the *κλήσις τῶν μητροπολιτῶν* (*list of metropolitans*) which emerged before 451 — Gerland puts it around the end of the fourth century<sup>2</sup> — also conceded the first places among the twenty eight metropolitans then existing to the Bishops of Caesarea, Ephesus and Heraclea. From all this it can be concluded that the title of exarch was as yet vague and was used at the time of the Council of Chalcedon for the three metropolitans of the lesser dioceses as well. It thus transpires that the title alone is insufficient to ascertain to what exactly the two canons in question were referring. Do they justify Constantinople as a rival, parallel authority — in the hearing of appeals — with just these three metropolitans, or with only the Archbishops of Alexandria and Antioch, or with all five? Experts differ in their views. Hinschius, Hefele, Bréhier, Jugie and others subscribe to the view that all five are intended,<sup>3</sup> while the view that Constantinople was only a rival judicial authority with the three lesser metropolitans is supported by Duchesne and his disciple Turner, by Batiffol, Vancourt and others.<sup>4</sup> A distinct view is put by Müller,<sup>5</sup> who understands the term exarch here as referring to the later patriarchs, and not to the three metropolitans, so that whenever the bishops or other clergy in the dioceses had grievances against their metropolitans they would appeal to the exarch, if the dioceses in question had one (that is Alexandria and Antioch). If, however, there were no exarch (as in the case of the three lesser dioceses) they were referred to Constantinople. Against the first view is cited the fact that the canons do not make any distinction when they speak of exarchs, and that at Chalcedon there were even discussed cases where Constantinople was adduced as having usurped this rival judicial capacity, especially within the Resident Synod. It must rather be stressed that Constantinople's exercise of judicial power through the Resident Synod met in these cases with sharp opposition.<sup>6</sup> It was not in keeping with the council's procedure to strike so obviously at the rights of the others. Neither, apparently, do we find — at least not for a long time after the council — a similar case. Justinian discusses the case treated in canon nine,<sup>7</sup>

1. *Byzn.* XI, 1936, 347.

2. E. GERLAND, *Die Genesis der Notitia episcopatum*, Heft. I, Kadıköy 1931, p. 8. On the basis of the ancient text, GELZER calls the *κλήσις τῶν μητροπολιτῶν* "τάξις πρωτοκαθεδρίας," "order of precedence."

3. P. HINSCHIUS, *Kirchenrecht in Deutschland* I, 550. C. HEFELE, *Konziliengeschichte*, II, 513-514. BRÉHIER in A. FLICHE and V. MARTIN, op. cit., IV, 238. M. JUGIE, *Le schisme byzantin, aperçu historique et doctrinal*, Paris 1941, p. 20.

4. L. DUCHESNE, *Histoire ancienne de l'Eglise*, III, 462. C. TURNER, *Studies in Early Church History*, 43-4. BATIFFOL, op. cit., p. 555. R. VANCOURT, 'Patriarcats,' in *DTC* XI, col. 2262.

5. K. MÜLLER, *Kirchengeschichte* I, 656-658.

6. As has been said before, the Fathers of the Council of Chalcedon raised not the slightest objection to the competence and legality of the Resident Synod or to the authority of the decisions it took. On the contrary, the debate on the subject led the imperial officers and the Fathers of the council to recognize officially its competence and legality as an institution.

7. *Cod. Just.*, I, 4, 29.

but he recognizes the competence of the patriarch concerned to come to a decision on the case, without mentioning anything about the rival judicial competence of Constantinople. The solution proposed by Müller would be best if there were not reason to suppose that the title exarch had been granted to the metropolitans of the three lesser dioceses as well. There thus as yet cannot be any sure solution to the problem.<sup>1</sup>

Troitsky published in 1961 an article in Russian in the *Journal of the Moscow Patriarchate* entitled: "On the meaning of canons nine and seventeen of the Council of Chalcedon," in which he wrote:<sup>2</sup>

The disputed point in canons nine and seventeen concerns cases where the metropolitan is a defendant. Usually, however, the nature and character of the judicial cases which these canons deal with is not properly understood, and this leads to an incorrect understanding of their sphere of jurisdiction.

It is usually conjectured that canon nine was aimed not only at cases between ministers of the Church which were partially civil in character, but also at cases which were purely ecclesiastical. For example Hefele in his classic work *Konziliengeschichte*, which Orthodox canonists have eagerly, sometimes extremely eagerly, taken advantage of, writes at the beginning of his interpretation of canon nine: "There is no doubt that the canon at first wishes to entrust the bishop with the judgment not only of ecclesiastical, but even civil cases between clerics."<sup>3</sup>

In fact however, there is doubt: there are no grounds for saying that this canon solves the problem of who was to judge ecclesiastical cases. This is indicated by the term *ᾠκυμα*, which means not *crime*, but *lawsuit*, and from this it can be concluded that the canon did not here envisage both civil and ecclesiastical (criminal or non-criminal) cases, and the word *πρότερον* (*first, beforehand*) shows that the canon is not speaking of ecclesiastical cases at all.

Hefele correctly writes: "It is again quite clear from the word *πρότερον* that the canon does not entirely rule out resort to the secular courts."<sup>4</sup>

Since, according to common law, it was the secular courts which were competent to hear cases dealing with property whenever the bishop did not wish to take part in the hearing of a dispute between clergy, the litigants could appeal to the secular court. Yet if this canon were speaking of ecclesiastical cases as well, such an option would not be open, in that the secular courts had no competence to try ecclesiastical cases. There was no need for the Council of Chalcedon to

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1. E. HERMAN, 'Chalkedon und die Ausgestaltung des Konstantinopolitanschen Primats,' in GRILLMEIER-BACHT, *Das Konzil von Chalkedon*, II, 474-477.

2. I include here almost *verbatim* the principal parts of Troitsky's article, because of its importance and so as to facilitate my treatment of it and make refutation easier to follow.

3. C. HEFELE and H. LECLERCQ, *op. cit.*, II, 513.

4. *Ibid.* 513.



resolve the question of who was to try ecclesiastical cases, because this question had already been decided long before in favour of the ecclesiastical courts, both by a long series of canons (e.g. 34, 37, 74 and 75 of the Apostolic Canons, 6 of Constantinople, 14, 15 and 20 of Antioch, 40 of Laodicaea, 8 of Sardica, 15 of Carthage) and by the secular laws. We are told<sup>1</sup> that Constantine considered ecclesiastical cases to be subject only to ecclesiastical justice, and that later Constantius,<sup>2</sup> Valentinian I,<sup>3</sup> Gratian<sup>4</sup> and Honorius<sup>5</sup> proceeded to promulgate a series of laws according to which "Cases *sub iudice* dealing with religion must be heard by the bishops." Honorius' decree of 399, which was ratified in 412,<sup>6</sup> declares this explicitly. These canons were in 438 included in the Theodosian Code, which was in force during the Council of Chalcedon. There was thus no need for the question of who was to hear ecclesiastical cases to be raised at the council.

Yet according to these same secular laws, cases of a civil and personal character were originally subject to secular courts. This did not fully correspond with the ecclesiastical interests or with the practice which had emerged in the Church during the period of the persecutions, when a Christian court of arbitration was, whenever possible, substituted for the secular courts: "Does any of you, having a grievance with another, dare to go to law before the unrighteous and not before the holy?" writes St. Paul to the Corinthians,<sup>7</sup> "... I say this to shame you. Is it thus, that there is not among you even one wise man who shall be able to judge between his brothers?"

When Christianity came to be the predominating religion in the Empire, the Christian laity became liable to the risks of going to law in the secular courts. The clergy did not, since differences between them when examined publicly by the secular courts could cause their authority to be undermined and the faithful to be scandalized. This is why we find the Council of Constantinople, "so as not to defile the reputations of the priests nor to create confusion among the people, who are at peace with one another," ordaining that the ecclesiastical courts should accept accusations against the bishop from any plaintiff, regardless either of the person of the accused or of his religion: "If any person brings some private, that is personal, complaint against the bishop, (claiming to) have been defrauded by him, or to have suffered something else from him in violation of the law..."<sup>8</sup> The fifteenth canon of the Council of Carthage fixed that:

1. EUSEBIUS OF CAESAREA, *De Vita Constantini*, IV, 17, PG XX, 1176. SOZOMEN, *Eccl. Hist.* I, 17, PG LXVII, 913 etc.

2. *Cod. Theod.*, XVI, 2, 23, Const. of 23rd Sept. 355, p. 838.

3. According to the evidence of St. Ambrose of Milan, Ep. XXI, 2, PL XVI, 1003: "... Pater tuus... sacerdotes de sacerdotibus voluit iudicare."

4. *Cod. Theod.* XVI, 2, 23, Const. of 17th May 376, p. 842.

5. Ibid. XVI, II, 1, Const. of Aug. 399, p. 905: "Quoties de religione agitur, ceteras vero causas... legibus oportet audiri."

6. Ibid. XVI, 2, 41, Const. of 11th Dec. 412, pp. 849-850: "Clericos non nisi apud episcopos accusari convenit."

7. *I Cor.* VI, 1 and 5.

8. G. RHALLER and M. POTLES, op. cit., II, pp. 180-181.

"... if any of the bishops or presbyters or deacons be charged with any criminal or civil matter in the Church, and if he abandon the ecclesiastical court and attempt to vindicate himself in the public courts, even if the verdict be pronounced in his favour he shall still lose his position: this applies in criminal cases. If it be a civil case, he shall lose whatever he may have won, even if he wish to keep his position."<sup>1</sup>

Even the secular laws allowed the bishops, in the capacity of arbitrator-judges and at the option of the litigants, to try cases not merely between clerics, but even between laymen. The decisions of such a court were not subject to appeal, the secular power being obliged to execute its decisions. Constantine, according to Sozomen (*Eccl. Hist.* I, 9, PG LXVII 884), had already promulgated a law by which he allowed disputants to apply to the episcopal courts if they did not wish to be tried in the secular courts, and the decision of such an episcopal court was to carry greater weight than that of the Emperor himself. That is to say, no appeal against it was allowed, and the provincial governor and their officials had to execute whatever sentence was fixed. It clearly emerges from Book VI of Augustine's *Confessions*<sup>2</sup> that this law was widely applied after Constantine's reign as well. In chapter III of Book VI, Augustine writes that before he turned to Christ, he fervently desired to discuss the religious character of his doubts with Ambrose of Milan, but he was unable to ask the bishop what he wanted, because Ambrose's time was taken up with trying to reconcile a large number of people who had secular disputes.

In 398, both Emperors, Arcadius in the East and Honorius in the West, issued a decree allowing those who so wished to take their financial cases and grievances in general to be resolved by a bishop elected by them in the capacity of arbitrator.<sup>3</sup> Ten years later, Honorius supplemented this decree with a new one allowing no appeal from the judgement of a bishop elected as an arbitrator and obliging the secular magistrates to put into execution whatever the bishop decided.<sup>4</sup>

These canons and decrees, however, had the substantial disadvantage of resting the choice of arbitrator-judge purely on the will of the interested parties, without taking into account the rank or position of the accused; thus in a case where an action was brought against the metropolitan, the bishop elected by the interested parties could pass irrevocable judgement upon the metropolitan. So canons nine and seventeen agree with the earlier canons in demanding that all the ministers of the Church should first resort to the ecclesiastical courts for disputes between them, but limit the freedom of the disputants to choose the court. This was now made dependent upon the position and rank of the accused, and instead of being essentially intermediary and arbitral the court became a regular ecclesiastical tribunal. According to canon nine, in cases where the dispute is between clergy this regular tribunal is that of the local bishop. However, to prevent the bishops' being excessively burdened by

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1. *Ibid.* III, 330-331.

2. *Confessions* VI, 3, PL, XXXII, 720.

3. C.J.C. vol. II, 1, 4, 7, p. 40.

4. *Ibid.* p. 8.

settling disputes between clergy, the canon gives the bishop the right to allow disputant clerics to choose an arbitrator-judge for themselves.

In canon nineteen,<sup>1</sup> the Council of Chalcedon defends the competence of the provincial synods of the metropolitans, which had occasionally been violated by the Resident Synod in the capital, and demands "in conformity with the decrees of the Holy Fathers" that such synods should meet twice a year. Chalcedon defends this competence of the provincial synods in canons nine and seventeen as well, declaring that these synods were the only tribunal competent to resolve disputes in which the accused was the bishop (canon nine), or the dispute concerned the fixing of boundaries between bishoprics (canon seventeen).

The examination and judgement of disputes with a bishop or between bishops in the regular, twice yearly, provincial synods did not present difficulties. However, the examination of cases where the metropolitan appeared as the accused in the synod of the "great area" — in other words the diocese — was difficult, because such synods did not meet regularly, but only when cases of particular importance arose, and it was not possible either for financial disputes or the settling of parish boundaries of small towns or villages to be included in the agenda. For this reason, when the metropolitan is involved canons nine and seventeen refer such cases to arbitral tribunals, only demanding that the arbitrator elected should be either a bishop of higher rank — the exarch of the diocese — or the throne of Constantinople — that is the "Resident Synod of the throne", with its Archbishop presiding. These canons envisaged not a formal, regular court, but an arbitral tribunal. This is evident from the fact that they give the interested parties the right of electing the tribunal with the plaintiff having the initiative, whereas in regular courts the axiom *actor sequitur forum rei* necessarily pertained, whereby the defendant selected the court.

Canon nine, which mentions a regular tribunal for the clergy, requires them to apply not to any bishop of their choice, but only to their own, local bishop. Yet canons nine and seventeen do not oblige the parties in disputes against the metropolitan to address themselves to the exarch of the diocese (to be precise, the metropolitan of the diocese), but give them the right to apply to the exarch of any diocese.

We have already seen, however, that according to both the canons and the imperial laws prevailing at the time of Chalcedon, the decisions of the arbitral tribunals were not subject to appeal. In fact canons nine and seventeen make no mention of appeal, and sometimes there is only one arbitral tribunal of a higher level designated: for the clergy, the local bishop, or, with his permission, an arbitral tribunal: for the bishop, the synod of the metropolis: for the metropolitan, the exarch of the diocese or the throne of Constantinople. But it is not said that in cases involving disputes between two parties a party dissatisfied with the decision of one tribunal can appeal to a higher court, as can happen when the case is purely ecclesiastical. Where proceedings of a private character involving the ministers of the Church are concerned, the canon attributes the same significance to the regular bishop's tribunal, to the synod of the metropolis and to the "Resident Synod" of Constantinople, allowing the replacement

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1. G. RHALLS and M. POTLES, *op. cit.*, II, 265.

of the one by the other: of the episcopal tribunal by the arbitral tribunal at the free choice of the clergyman concerned, and of the exarch's tribunal, in the capacity of arbitral tribunal, by the tribunal of the "Resident Synod" of the capital. From this it may be concluded that the spirit of canons nine and seventeen does not allow any appeal to a higher ecclesiastical court against the verdict of any ecclesiastical tribunal dealing with personal cases rather than with ecclesiastical ones or with fixing boundaries for villages and small towns.

This understanding of these canons is also confirmed by the decrees of Arcadius and Honorius mentioned earlier, which were in force at the time of the Council of Chalcedon. These decrees envisaged the bishop's court as an arbitral or mediatory tribunal for civil cases and did not allow appeals against its decisions.

Hefele understands the word *πρότερον* in canon nine to mean that the canon regards the bishop's court, if it did not manage to reconcile the disputants, as subject to appeal. Ignoring the laws which were in force at the time of the Council of Chalcedon, he gives as proof of his opinion the twenty-first chapter of the 123rd Novel of Justinian.<sup>1</sup> According to the laws prevailing at the time of the council, however, the civil authorities were obliged to execute the verdict of the bishop, regardless of whether or not the litigants were satisfied, and the word *πρότερον* in canon nine merely means that a clergyman has the right to apply to the secular court if the bishop did not wish to hear the case. The reference to the 123rd Novel does not hold water, because this Novel was promulgated in 546, nearly a century after Chalcedon, does not deal with disputes between clergy, but rather with grievances against clergy or monks, and finally allows appeal not to an ecclesiastical body, but to the secular power.

Under the influence of Hefele, Emil Herman fell into a similar error when he maintained without justification that canon nine speaks about appeal from the bishop's court to the synod of the metropolis, and from that synod to the exarch or to the throne of Constantinople.<sup>2</sup>

But if canons nine and seventeen nowhere mention appeal and certainly exclude any possibility of appeal in the judicial cases they provide for, no evidence can be traced here of a right of appeal to the throne of Constantinople from the other autocephalous churches.

This is confirmed by certain details of the text of these sections of canons nine and seventeen which speak of the throne of Constantinople. The section in canon nine runs: "If a bishop or a clergyman has a dispute with the metropolitan of the same province, he is to repair either to the exarch of the diocese, or to the throne of the imperial capital, Constantinople, and be tried before him."

1. The conjunction *ἢ . . . ἢ* (*either . . . or*) before the words *τὸν ἐξάρχον* (*the exarch*) and *τὸν . . . θρόνον* (*the throne*) shows that the canon does not give the throne of Constantinople any privilege over the exarch of the diocese, but gives both the same prerogative of arbitrating in a case where the accused is the metropolitan.

2. The words *ἐπίσκοπος ἢ κληρικός . . . καταλαμβάνετω* (*. . . bishop or*

1. C.J.C. III, pp. 609-611.

2. E. HERMAN, in GRILLMEIR-BACHT, *op. cit.*, II, p. 475.

*clergyman . . . he is to repair to . . .*) show that the choice between the two courts designated in the canon depends on the litigants, and not on the throne of Constantinople or the exarch of the diocese.

3. It is significant that in both these canons Constantinople is mentioned second, after the exarch of the diocese. From this it may be concluded that the local bishop is the proper judge for the clergy, while the arbitral tribunal is acceptable only with the permission of the bishop. Thus, even in the disputes where the metropolitan is the accused, the exarch of the diocese must be the proper judge, and the throne of Constantinople only where the exarch declines to hear the case.

The Council of Constantinople, in canon six, instituted the synod of the diocese as a higher court of appeal from the synod of the metropolis. The president of this diocesan synod was usually the exarch of the diocese. Consequently the exarch had already been confirmed as holding higher rank than the metropolitan before the Council of Chalcedon. Even if the Council of Constantinople awarded the Bishop of Constantinople, as bishop of the capital, the *πρεσβεία τιμῆς μετὰ τὸν ἐπίσκοπον Ῥώμης* (*prerogatives of honour after the Bishop of Rome* — canon three), he remained canonically one of the bishops of the Thracian diocese as far as power was concerned and was consecrated by its exarch. Meanwhile, his proximity to the Emperor, his position as bishop of the capital and president of the "Resident Synod" there, as such even hearing cases dealing with the metropolitans, led the council to give him the prerogative which the exarchs of the dioceses possessed as a result of ancient custom ratified by canon six of the Council of Constantinople.

One of the reasons why the judicial competence awarded the throne of Constantinople by canons nine and seventeen of Chalcedon has been understood in an exaggerated sense is the fact that these canons have been set alongside the so-called twenty-eighth canon of Chalcedon, with the assumption that they were passed in the session of the council in which the three lesser dioceses of Pontus, Asia and Thrace were subordinated to Constantinople. This led to the idea that canons nine and seventeen give Constantinople power greater than that of the exarchs. Yet since Schwartz's critical edition of the Acts of the council,<sup>1</sup> it has been firmly established that all the twenty seven genuine canons of the council were passed on the twenty-fifth of October 451 in the seventh session of the council, while the canon dealing with the subordination of the three dioceses to the throne of Constantinople (which was only included amongst the number of the Chalcedonian canons around the end of the sixth century by the secretariat of the Patriarch of Constantinople) was passed on the thirtieth of October by a minority (185 bishops to 630) in the fifteenth session of the council. In the following session, in spite of the protest of the Papal Legates, it was proclaimed by the imperial representatives as having been accepted by the council.

Finally, to support his position on the interpretation of canons nine

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1. *Acta Conciliorum Oecumenicorum*, I-IV, Argentorati 1914, Berlin-Leipzig 1922-1940, I, II, 1-6, *Concilium Chalcedonense*.

and seventeen, Troitsky cites the five observations on canon nine made by the author of the *Pedalion*,<sup>1</sup> and concludes:

As canon nine of the Council of Chalcedon mentions jurisdiction only over civil and not over ecclesiastical cases and is not talking about appeal, this canon cannot be used as proof of the prerogative of the Patriarch of Constantinople in ecclesiastical cases.<sup>2</sup>

I have quoted Troitsky's article almost in entirety, both for the sake of historical objectivity and to give the reader a fuller picture of his opinions, bearing in mind that his position coincides in many respects with the tenets and conclusions of the author of the *Pedalion*, which I dealt with earlier. I shall here confine myself to some observations on those points of Troitsky's arguments upon which I believe the whole structure of his thesis to be based.

1. Rejecting Hefele's opinion that "there is no doubt that the (ninth) canon at first wishes to entrust the bishop with the judgement not only of ecclesiastical but even civil cases between clerics," Troitsky considers that there are no grounds for saying that this canon solves the problem of who was to judge ecclesiastical cases, because *πράγμα* means not *crime*, but *lawsuit* and shows that the canon did not envisage both civil and ecclesiastical cases, and the word *πρότερον* does not completely rule out resort to the secular courts and thus shows that the canon is not speaking of ecclesiastical cases at all.

I believe, however, that this is a clear case of misinterpreting the words *πράγμα* and *πρότερον*. I am not saying that Troitsky deliberately tried to distort the sense of these words: rather, the misinterpretation must be attributed to an inadequate command of the Greek language. The word *πράγμα* in its metaphorical sense is a neutral word, with the meanings of *dispute*, *case*, *difference* or *summons*; it only acquires colour and precision from its qualifying adjective. To confine ourselves to three of the many examples that could be adduced, Soudas writes that the ancients used *πράγμα* in a pejorative sense: Menander uses it to mean battle, and Aristophanes to mean wealth *ἀλλά σοι παρέξω πράγματα, ἀντὶ τοῦ ἐνοχλήσω*.<sup>3</sup> This becomes explicit in the fifteenth canon of the Council of Carthage: *Ὁμοίως ἤρεσεν, ἵνα ὁσπισθήποτε τῶν ἐπισκόπων ἢ πρεσβυτέρων ἢ*

1. *Πηδάλιον*, published in Athens in 1886, pp. 162-163.

2. TROITSKY, 'O Smisle 9go i 17go kanonov Halkidonskago Sobora,' in *Journal of the Moscow Patriarchate*, 1961, 57-65.

3. SOUDAS' *Lexicon*, vol. II, p. 582.

διακόνων ἢ κληρικῶν, πράγματος αὐτῷ ἐγκληματικοῦ ἢ πολιτικοῦ ἐν τῇ ἐκκλησίᾳ κινουμένον.<sup>1</sup> In the commentary on the sixth chapter of the ninth *Titulus* of the *Nomocanon*, it is clearly said: εἰ δὲ καὶ ἐκκλησιαστικὸν εἴη τὸ πρᾶγμα μηδεμίαν κοινωνίαν ἐχέτωσαν . . . "If the πρᾶγμα is ecclesiastical, the secular authorities are to have no involvement in such a case."

The word *πρότερον* can have no relation either in grammar or sense with the phrase *ἐπὶ κοσμικὰ δικαστήρια* in the canon, as Hefele and Troitsky both maintain without any justification. Rather, it is connected grammatically with the conjunction *ἢ* (or), which normally follows *πρότερον* with a verb either in the indicative or the subjunctive, as in the case in point,<sup>2</sup> and it is linked in sense with the emphatic particle *γούν*. So the natural and correct interpretation of this part of canon nine, according to the Byzantine canonists and most modern scholars, is as follows:

If any clergyman has a case against another member of the clergy, he is not to abandon his own bishop and have recourse to secular courts; *rather*, he is *first* to examine the case before his own bishop, *or*, if his own bishop agrees, before whomever both parties wish to hear the case.

## 2. Troitsky then goes on to produce the following syllogism:

Since, according to common law, it was the secular courts which were competent to hear cases dealing with property whenever the bishop did not wish to take part in the hearing of a dispute between clergy, the litigants could appeal to the secular court. Yet if this canon were speaking of ecclesiastical cases as well, such an option would not be open, in that the secular courts had no competence to try ecclesiastical cases. There was no need for the Council of Chalcedon to resolve the question of who was to try ecclesiastical cases, because this question had already been decided long before in favour of the ecclesiastical courts, both by a long series of canons and by the secular laws.

As it stands, the syllogism is true, and doubtless would be Troitsky's most apposite argument were it but constructed on a sound premiss. However, the premiss being faulty, the conclusions do not hold together. The premiss is faulty, because it rests on the misinterpretation of *πρᾶγμα* and *πρότερον*, and on the basically erroneous view that the canon allows the possibility of resort to the secular courts. On the contrary, the canon categorically prohibits clerics to apply to the secular courts, regardless of the nature of the case in question: "*he is not to abandon his own bishop and have recourse to secular courts.*" This is confirmed by a large number

1. G. RHALLES and M. POTLES, *op. cit.*, III, 330.

2. LIDDELL-SCOTT-JONES, *Greek English Lexicon*, p. 1535.

of other canons dealing with the same subject, in particular by canon fifteen of the Council of Carthage. The force of these canons is concentrated not on the nature of the cases, but on the character of the courts and the clergymen involved. Very typical is what the Byzantine canonists say in their commentaries on canon fifteen of Carthage:

Balsamon writes:

Both by the laws and the canons it has been prescribed that no individual should be allowed to prefer a charge in whatever court he wishes. Rather, the secular courts have been assigned to the laymen, and the ecclesiastical courts to the clergy and the monks.

Zonaras writes:

So, if any clergyman is taken to court, or if he goes to court against a fellow clergyman, he must both be sued and sue before his bishop.

If any clergyman flouts this legislation and prefers a criminal charge against a clergyman or a monk in a secular court, or if any clergyman is charged before the competent ecclesiastical court and then refuses the latter and chooses the public, that is to say secular, court, . . . even if he is successful in that secular court — either as plaintiff or defendant — he is nevertheless to lose his own position, that is to say rank, and his clerical dignity; because of this only is he condemned: because he refused the ecclesiastical court and chose the secular. And this happens when the case is criminal. When the case concerned is civil, that is financial, even if the clergyman is vindicated, he will still lose his own rank, unless he spurns the suit in which he was vindicated and concedes the verdict to his defeated adversary.<sup>1</sup>

The comments in chapter I of the ninth *Titulus* of the *Nomocanon* agree:

. . . For the fact that neither the civil nor military governors have any jurisdiction against the clergy, take note of the Novel of the Emperors Constantine and Heraclius and the Novel of the noble Emperor Alexius Comnenus which we mentioned at the beginning of this *Titulus*. Read also the fifteenth canon of the Council of Carthage and the ninth canon of the Council of Chalcedon and their contents, which remove all doubt . . .<sup>2</sup>

. . . The present chapter lays down by whom bishops and clergymen must be tried for criminal and financial cases. Learn that there is a Novel of Constantine and Heraclius which prescribes that no bishop, clergyman or monk shall be tried for a financial or criminal case by a civil or military governor, but only by his own bishops or metropolitans or patriarchs. These things were decreed in the Chrysobull of the glorious Emperor Alexius Comnenus which was promulgated in the month of July during the fourth Indiction, in the year 6589

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1. G. RHALLES and M. POTLES, op. cit., III, 330-341.

2. Ibid. I, 171.



(A.D. 1081) and which specifically added: "If there is a division between the disputants, one being of the secular state and the other numbered amongst the holy clergy, the plaintiff under such circumstances shall always be subject to the court of the defendant, and each shall resort to the proper tribunal." . . . Read also the fifteenth canon of the Council of Carthage and what is therein.<sup>1</sup>

3. It is strange that while canons nine and seventeen are clear in both contents and form, prescribe the proceedings to be observed when disputes arise between ministers of the Church in accordance with the rank of the litigants, and do not make a distinction between ecclesiastical and civil cases, or between regular and arbitral courts, Troitsky expresses his opinion in a one-sided and arbitrary manner:

Yet canons nine and seventeen do not oblige the parties in disputes against the metropolitans to address themselves to the exarch of the diocese, but give them the right to apply to the exarch of any diocese.

It is quite extraordinary how a canon lawyer of the eminence of Troitsky can arrive at such an interpretation of these canons, because both are so explicit on this point as to rule out any misinterpretation:

If a bishop or a clergyman has a dispute with the metropolitan of the same province, he is to repair to the exarch of the diocese, or to the throne of the imperial capital, Constantinople, and be tried before him.

(canon nine)

If anyone is wronged by his own metropolitan, he is to be tried, as has been said before, by the exarch of the diocese, or by the throne of Constantinople.

(canon seventeen)

It appears to have escaped Troitsky's notice that *διοικήσεως* is preceded by the definite article *τῆς*. In this position, *τῆς* clearly defines the noun and indicates that the canon is not intending just any diocese, but a particular one. Troitsky has surely also overlooked Zonaras' commentary on canon nine, where it is explicitly said;

. . . the canon wishes the exarch of the diocese to which the disputants belong to be the arbitrator of the case, or the Archbishop of Constantinople.

All these errors must, I believe, be attributed to Troitsky's inadequate command of the Greek language, which prevents his being able to grasp its subtleties. I have no desire to suggest that they stem from prejudice on his part; such prejudice as would have led him to pass over the truth and distort it to serve the prearranged aims of his work.

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1. Ibid. I, 165-166.

#### 4. Finally Troitsky concludes:

But since canons nine and seventeen nowhere mention appeal and certainly exclude any possibility of appeal in the judicial cases they provide for, no evidence can be traced here of a right of appeal to the throne of Constantinople from the other autocephalous churches.

To support this, he cites the conjunction *ἢ . . . ἢ . . .* before *τὸν ἑξαρχόν* and *τὸν τῆς βασιλευούσης θρόνον Κωνσταντινουπόλεως* to show that, as tribunals, neither has any privilege over the other when the case is against the metropolitan, and that the words *ἐπίσκοπος ἢ κληρικὸς . . . καταλαμβάνετω* allow the litigants, not the exarch nor the throne of Constantinople, to choose the court.

Since there are, as Troitsky admits, editions in which *ἢ* does not appear in canon nine before *τὸν ἑξαρχόν* (where it means *either*; cf. Rhalles and Potles and H. Alivizatos), and since — this is even more important — it does not appear in the parallel section of canon seventeen in any of the Greek or Slav editions, it is surely more natural, to accept (or at least not to reject) the second reading. Yet even if Troitsky's reading is accepted as more exact (with *ἢ* in both positions, meaning *either . . . or . . .*) would this really be sufficient to reduce the Bishop of Constantinople's privileged position and put him on a par with the other exarchs? For if this were the case, why do the canons specifically mention him individually in contrast to the other exarchs? Does this not indicate that they saw his position as superior to that of the other thrones?

As for his second argument, we may counter:

a) that it is true that the Chalcedonian canons allow any clergyman or bishop who sees himself the victim of injustice to have recourse at his choice either to the court of the exarch of the diocese, or to the throne of the imperial capital, Constantinople. However, this does not put the Bishop of Constantinople on a par with the exarchs of the dioceses as far as judicial prerogatives are concerned. On the contrary, it recognizes his see as possessing special judicial prerogatives in that it allows both bishops and clergy belonging to other dioceses (that is to say other patriarchal areas) to have recourse to his throne.

b) The five comments made on canon nine by the author of the *Pedalion*. I discussed these earlier (pp. 162-164).

Panaghiotakos' position on this question is as follows:

The fundamental legal axiom "the appeal corrects the injustice or lack of experience of the judge," which has a very ancient lineage in the canon law of

the Church,<sup>1</sup> is found incorporated in the ecclesiastical legislation which prevailed throughout the Church right from the first centuries.<sup>2</sup> It is a right which provides for the just and canonical restoration, either in whole or in part, of a clergyman involved in any way in litigation; the hearing of the case at second and third stage before higher ranking ecclesiastical courts was introduced as a legal institution.

The right of exercising appeal was incorporated in ecclesiastical legislation in the following chronological order:

1. By the Council of Antioch, which ruled that:

a) Members of the lower clergy condemned by a bishop may challenge the verdict before a greater synod of the bishops of the province.<sup>3</sup>

b) Bishops condemned by the synod of bishops may challenge the verdict before a greater synod of bishops composed of the judging bishops of the province and such other neighbouring bishops as the metropolitan may invite.<sup>4</sup>

2. By the Council of Sardica, which determined that:

a) Lower clergy condemned by the bishop may challenge the verdict before the metropolitan of the province, and in his absence before a neighbouring metropolitan.<sup>5</sup>

b) Bishops condemned by a synod of bishops may challenge the verdict before the Bishop of Rome, not only once, but twice.<sup>6</sup>

3. By the Council of Constantinople of 381, which decreed that any complaint by a clergyman against a bishop must be heard firstly by a synod of bishops of the province, but if these bishops "are unable to set to rights the crimes charged against the bishop," the complaint must be heard secondly by a greater synod of the bishops of the diocese.<sup>7</sup>

1. Canons such as the 37th Apostolic canon, canons 6 and 20 of Antioch, 14 of Sardica, 5 of Nicaea, 19 of Chalcedon, 8 of the Council in Trullo and 6 of Nicaea II, prescribe that canonical disputes, grievances, accusations and claims arising amongst the clergy are to be examined by a synod of the bishops of the province meeting twice a year for this purpose, so that order may prevail in the Church, and they can issue their decision after reexamining any dispute already examined canonically at the first level of litigation (Cf. HINSCHIUS, *Kirchenrecht*, IV, 764, E. LÖNING, *Kirchenrecht* I, 384 in PANAGHIOTAKOS, op. cit., p. 81).

2. A starting point in the exercise of the right of appeal was the persecution of St. Athanasius, who was deposed by the Councils of Tyre (335) and Antioch (340). After appealing to Julius of Rome he was reinstated by a special resolution of the Council of Rome of 341 (HINSCHIUS, op. cit., III, 527. H. SCOTT, *The Eastern Churches and the Papacy*, p. 994. M. KONSTANTINIDES, 'Ο Μέγας Ἀθανάσιος καὶ ἡ ἐποχὴ αὐτοῦ in PANAGHIOTAKOS, op. cit., p. 81).

3. Canon 12 of Antioch directly and canon 8 indirectly, in Balsamon's judgement, which is correct.

4. Canons 12 and 14 of Antioch directly and 4 indirectly.

5. Canon 14 of Sardica.

6. Canons 4 and 5 of Sardica.

7. Canon 6 of Constantinople.

4. By the Council of Carthage, which laid down that:

a) Lower clergy who suffer injustice from the bishop or court of bishops may challenge the verdict before a synod of the bishops of the province, and the bishop whose verdict is being challenged takes part in this synod.

b) Lower clergy who, after exercising the first appeal, suffer injustice from the synod of the bishops of the province may challenge this verdict in a second appeal before the synod of the metropolitans who head the provinces of the region.<sup>1</sup>

c) Bishops who suffer injustice from a synod of bishops may challenge the verdict before the synod of the heads of the provinces — the metropolitans, that is, of the area — and are able to exercise a second appeal against the verdict issued by this synod before a greater synod of the bishops of the diocese.<sup>2</sup>

5. Finally by the Council of Chalcedon, which decreed that:

a) Lower clergy who suffer injustice from the bishop may challenge the verdict before a synod of the bishops of the province presided over by the metropolitan.

b) Clergy who suffer injustice from the metropolitan and the synod he presides over may challenge the verdict before the exarch of the diocese or the Archbishop of Constantinople. That is to say, the council established final appeal to the patriarch.

All this ecclesiastical legislation may be seen to establish the remedy of appeal to two levels for any cleric condemned, or supposed to have suffered injustice; in other words, firstly to the synod of the bishops of the province meeting under the presidency of the metropolitan, and secondly to the *greater synod* of the ecclesiastical diocese meeting under the presidency of the patriarch, or, as a final stage, before the greater or general synod meeting under the presidency of the Archbishop of Constantinople. In accordance with the Church's established tradition, he alone has the prerogative of convoking under his presidency *greater synods* from the various ecclesiastical areas of the East. From his high position, he keeps watch and regulates the progress of the individual orthodox churches as first judge and arbiter of appeals canonically made to him. In this way, he acts on behalf of canonicity, ecclesiastical order and the proper, necessary functioning of lawful, untroubled order throughout the Eastern Church, as Matthew Blastaris wrote (G. Rhalles and M. Potles, op. cit., VI, 421):

"The throne of Constantinople, honoured by the imperial office, was designated first by conciliar decisions; the divine laws which succeeded these decisions decree that disputes occurring in the jurisdictional areas of other thrones should be referred to the judgement and verdict of that throne.

"The President of the Constantinopolitan Church is authorized . . . even to consider and deal with such disputes as occur in the jurisdictional areas of other thrones and even to bring them to judgement."<sup>3</sup>

1. Canons 11, 36 and 134 of Carthage.

2. Canon 36 of Carthage.

3. P. ΠΑΝΑΧΙΟΤΑΚΟΣ, α) *Ἡ ἱερωσύνη καὶ αἱ ἐξ αὐτῆς νομοκανονικαὶ συνέπειαι*, pp. 81-83, β) *Τὸ Πονηρὸν Δίκαιον τῆς Ἐκκλησίας*, pp. 830-850, γ) *Ὁ Οἰκουμενικὸς*

Konidares accepts that the Bishop of Constantinople, as *πρωτόθρονος* (*first bishop*) only of the East, was entitled under canons nine and seventeen of Chalcedon, in the case of appeals, to try clergy beyond the limits of his jurisdiction; that is, from the Patriarchates of Alexandria, Antioch and Jerusalem, and from the Church of Cyprus, which was autocephalous from the Council of Ephesus onwards.<sup>1</sup>

Pheidias believes that a proper understanding and interpretation of canons nine and seventeen is entirely dependent upon a correct estimation of the title *exarch*. He notes that the views of canonists are divided: Balsamon, Aristenus, Hinschius, Hefele - Leclercq, Jugie, Rhalles, Andreeff, Bréhier, Martin and Michel accepting that the title must be understood to refer to the patriarchs apart from the Pope of Rome, and Zonaras, Turner, Duchesne, Batiffol, Vancourt and Caspar maintaining that the title is used also for the Metropolitans of Caesarea in Cappadocia, Ephesus and Heraclea, while Beck, Herman and Dvornik see the answer to the question quite differently. He attributes the differences between scholars both to the unstable and unfixed use of the title *exarch* during the fourth century and the first half of the fifth, and to its replacement by the title *patriarch* in Justinian's 123rd Novel. He supports his thesis with the following arguments:

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*Πατριαρχικός θρόνος τῆς Κωνσταντινουπόλεως*, pp. 29-30. Although Panaghiotakos' position on Constantinople's general right of hearing appeals is quite clear and categorical, Petrović in the section of his doctoral thesis dealing with Constantinople's right of hearing appeals is entirely under the influence of the writers of the *Pedalion* (*Rudder*) and of Pavlov and Troitsky. He holds their view that Constantinople was entitled to hear appeals only from the "lesser" dioceses of Pontus, Asia and Thrace. To strengthen his thesis he quotes this sentence of Panaghiotakos, which has no relation to the substance of that author's belief on the question of appeals: "Any form of control or involvement in administrative questions of the individual churches is forbidden; it is never excusable according to the general canonical decrees dealing with this subject" (Panaghiotakos, op. cit. c), p. 27). It would appear that the substance of Panaghiotakos' position on the question of appeals has escaped Petrović's attention, for it can hardly be thought that he deliberately chose this sentence simply as a basis for his views on appeals. Further, the Constantinopolitan throne's special privilege of hearing appeals, which was recognized by the canons and consolidated through years of practice, neither violated nor deviated from the fundamental principles of church government. It cannot be seen as a means of working towards the acquisition of universal sovereignty. On the contrary, it was a legal way of restoring canonical order in the Church in exceptional circumstances. Petrović's other views on the question of appeals are entirely based on the theses advanced by the authors of the *Pedalion* and by Troitsky, and any comment on them here would be superfluous.

1. G. KONIDARES, op. cit., p. 389.

a) The title *exarch* is not to be taken as an isolated word, but in connection with *τῆς διοικήσεως*.

b) Ibas of Edessa used the title when referring to John of Antioch, when he defended himself before the Fathers of Chalcedon.

c) The title was applied in the same sense to Domnus of Antioch by Stephen, Bishop of Epiphania in Syria Secunda, in the Acts of the Great Synod of the diocese of Oriens held in Antioch in 445, these Acts also being read before the Fathers of Chalcedon.

d) In spite of the quite clear attribution of the title *exarch* to John and Domnus, we cannot restrict its use to the Alexandrian and Antiochene thrones, because Ibas of Edessa uses it later, probably to refer to the metropolitans.

e) The title *ἐξαρχος*, deriving from the verb *ἐξάγω* (*I initiate, or take the lead*), was connected (in the ecclesiastical terminology of the first half of the fifth century) with the sense of the first, the presiding, preeminent and distinguished member of a synod or some body.

f) Nevertheless, during the period in question, the word *exarch* does not appear to have acquired any concrete, stable canonical content, such as would allow it to be described as an ecclesiastical title, because it was also used in cases where an established ecclesiastical title, even when applied to some of the most important thrones, is quite unintelligible.

g) The title was not used exclusively for the Bishops of Alexandria and Antioch (nor exclusively for the Bishops of Alexandria, Antioch, Ephesus, Caesarea and Heraclea), but to define the first metropolitan of an ecclesiastical diocese, or the first bishop of a province (the metropolitan). Nowhere, therefore, in the sources, do we find the titles, *ἐξαρχος Ἀλεξανδρείας*, *ἐξαρχος Ἀντιοχείας*, *ἐξαρχος Ἐφέσου* and so on, but always *ἐξαρχος τῆς ἀνατολικῆς διοικήσεως*, or *ἐξαρχος τῆς συνόδου τῆς ἀνατολικῆς διοικήσεως* and the like. Each province had an exarch of the bishops — the metropolitan —, and in the same way each diocese had an exarch of the metropolitans — the metropolitan of the diocesan capital. It is for this reason that canons nine and seventeen of Chalcedon attribute the title *exarch* strictly to the diocese and not to the province, which would not have been necessary if the title were in established use to refer to the Bishops of Alexandria and Antioch, or to the Bishops of Alexandria, Antioch, Caesarea, Ephesus and Heraclea.

Nevertheless, while Pheidias accepts these arguments and uses them to support his thesis, he arrives at the strange conclusion that the problem can and must be seen to lie not in the exarchs (because all the metropolitans of diocesan capitals could bear this title) but in the dioce-

ses, which must have recognized the special ecclesiastical authority of the throne of Constantinople. He considers that transferring the force of the sense from the exarchs to the dioceses definitely makes the interpretation of canons nine and seventeen easier.

He goes on to point out that the Fathers of Chalcedon certainly had in mind the problem of organizing ecclesiastical administration in the *East*, but he questions whether canons nine and seventeen are directed at all the Eastern dioceses. Rejecting Müller's interpretation as incompatible with the literary form of the text and with the intention behind canons nine and seventeen, he accepts that the text as it stands is not concerned with administrative jurisdiction in the dioceses of the East, *but with two different jurisdictions (that of the exarch and that of the throne of Constantinople), exercised over the same ecclesiastical diocese*. He believes that if the exarchs of the dioceses are taken to mean the bishops of the first thrones of all the dioceses of the East, then canons nine and seventeen do not safeguard the autonomy of the exarchs of the dioceses of Orients and Egypt, but even institute appeal to the throne of Constantinople from these dioceses. For this reason, he sees it as essential firstly to reconsider canons nine and seventeen within the general framework of the ideas about the Constantinopolitan throne prevailing at Chalcedon. (The council's aims were in this identical to the intention behind canons nine and seventeen). Secondly, he considers it necessary to set the whole question — and subsequently to examine it — in the light of the *jus ordinandi* and of the relations between the Constantinopolitan throne and those of Alexandria and Antioch. He thus comes to the conclusion:

The *exarchs* of canons nine and seventeen of Chalcedon must be seen not as the bishops of the first thrones of *all* the dioceses of the East, but only the bishops of those dioceses where the exceptional prerogative of the throne of New Rome in the *jus ordinandi* had asserted itself: in other words, the Bishops of Ephesus, Caesarea and Heraclea.<sup>1</sup>

Certain problems appear to emerge automatically from this analysis of Pheidias' views. They may be expressed as follows:

1. The fact that all the metropolitans of diocesan capitals could use the title *exarch* surely shows that it is at least hasty to restrict it to the dioceses which must have recognized the exceptional authority of the throne of Constantinople: the "lesser" dioceses of Pontus, Asia and Thrace.

Even if Müller's interpretation does not correspond with the literary

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1. PHEIDAS, *op. cit.*, 289-302.

form of the text, can it really be maintained that the text is concerned not with the distribution of administrative jurisdiction in the dioceses of the East, but with different jurisdictions (that of the exarch and that of the throne of Constantinople) exercised over the same ecclesiastical diocese, given that:

a) the Fathers of Chalcedon had in mind the problem of organizing ecclesiastical administration *in the East* and consequently could not have been legislating purely for one specific ecclesiastical area, and

b) the text of both canons nine and seventeen is formulated so generally that it agrees with this spirit of the Fathers of the council and yet so clearly as to rule out any interpretation which limits their general character, and which consequently tends to alter their genuine meaning?

2. Pheidias' attempt to recentre the hermeneutic problem of canons nine and seventeen upon the dioceses rather than upon the exarchs clearly springs from good intentions and from what I should like to see as scholarly, sensitive objectivity. However, it does not make the interpretation of these canons any easier, as it does not correspond in a literary or any other manner with either the general spirit or the clear wording of the canons. There is, therefore, surely a danger of its being taken as a deliberate attempt to change the final aim of the canons to a means; which aims, that is to say, to interpret the canons not in their free, genuine sense, but to support *a priori* Pheidias' position that Constantinople's prerogative of hearing appeals must be absolutely limited to the three dioceses subject to him — Pontus, Asia and Thrace. For the arguments he produces to justify his recentring the force of the canons upon the dioceses rather than the exarchs leave the impression that no interpretation of the canons can be allowed which leads to a conclusion recognizing that Constantinople was entitled to hear appeals from the other dioceses as well. Certainly this is one of the many hermeneutic methods any scholar undertaking to interpret the canons is justified in adopting. Yet can it claim to be a really objective method, given the restrictive context within which it moves?

3. How can one reconcile the conclusion maintained by Pheidias that:

The *exarchs* of canons nine and seventeen of Chalcedon must be seen not as the bishops of the first thrones of *all* the dioceses of the East, but only the bishops of those dioceses where the exceptional prerogative of the throne of New Rome in the *jus ordinandi* had asserted itself: in other words, the Bishops of Ephesus, Caesarea and Heraclea,

with his analysis elsewhere in the same book:



The recognition by canon three of the Council of Constantinople in 371 of the second *πρεσβεία τιμῆς* (*prerogatives of honour*), the first in the East, marked a new period in the development of the Resident (*Ἐνδημοῦσα*) Synod as an institution. Henceforth this synod was not merely involved in the consecration of the Bishop of Constantinople, but was also linked to the special *πρεσβεία τιμῆς* (*prerogatives of honour*) of the throne and the *πρωτοκαθεδρία* (*primacy*) in the East, and for this reason bishops from any diocese staying in Constantinople would take part in these synods to deal with any serious question *regardless of jurisdictional boundaries*.

The Resident Synod quickly became accepted as the supreme court of review in the East, because:

- a) It was convoked under the presidency of the first bishop of the East, in the capital of the Empire.
- b) Its members, as a rule, came from a number of ecclesiastical dioceses.
- c) Its decisions could more easily be executed with the aid of the state, because as a rule they expressed the view of the majority of the Eastern churches.
- d) The functioning of this synod did not come into conflict with insurmountable canonical obstacles, because the second canon of Constantinople, safeguarding the autonomy of the ecclesiastical dioceses, does not exclude interventions in cases of appeal over and beyond diocesan limits when important ecclesiastical questions arise.

Thus the Resident Synod gradually became in practice a supra-diocesan authority, capable of settling questions concerning not only the so-called lesser dioceses of Pontus, Asia and Thrace, but even the dioceses of Egypt and Oriens. Was the *de facto* wide competence of the Resident Synod the foundation of the increasingly comprehensive *πρεσβεία τιμῆς* of the Constantinopolitan throne, as a result of its possessing similar power where the consecration and trial of bishops were concerned, in particular in the dioceses of Pontus, Asia and Thrace?

A further anomaly is surely that Pheidas first speaks quite clearly and categorically of the wide competence of the Resident Synod as a supra-diocesan authority capable of settling questions not only of the lesser dioceses of Pontus, Asia and Thrace, but even of the dioceses of Egypt and Oriens. He accepts that the *de facto* wide competence of the Resident Synod was the foundation of the increasingly comprehensive *πρεσβεία τιμῆς* of the Constantinopolitan throne, as a result of its possessing similar power where the consecration and trial of bishops were concerned, in particular in the dioceses of Asia, Pontus and Thrace. He also has no doubt that the Resident Synod functioned as an institution even before the second Oecumenical Council.

Nevertheless, commenting on the controversy that has broken out in recent years between canonists of the Patriarchates of Constantinople, Alexandria and Moscow, he maintains that the argument became polemical and apologetic, and the scholars involved did not, as they should have done, go deeply into the intention of canons nine and seventeen.

He considers that the argument was not based on the earlier ecclesiastical practice which is restored in these canons, but on the later usage, which relied on the great might of the throne of Constantinople, on the lack of clarity in canons nine and seventeen, and on the decline of the patriarchal thrones of Alexandria and Antioch as a result of the Arab conquest. He arrives at the conclusion that "the later practice of the Church tends to vindicate the appeal, but canons nine and seventeen do not provide it with a canonical basis."

Yet if this is the case, how can one explain what practice Anatolius of Constantinople had in mind when he officially declared before the Fathers of Chalcedon:

Custom long ago bound the most holy bishops staying in the great city, whenever the opportunity arose, to assemble to discuss various ecclesiastical questions which may arise, and to deal with each of them, and to consider the appellants worthy of a verdict. I have therefore made no innovation, nor have the most holy bishops staying (in the great city) initiated any new procedure, and what has been done shows the presence of the bishops,

given that it is quite certain that Anatolius made this explicit statement during the fourth session of the council, when the Fathers were considering the dispute between Photius of Tyre and Eustathius of Berytus, both of whom were bishops of the canonical area of the Church of Antioch, and no objection or reservation was made from any quarter?

Again, how can one explain the intervention and plea of the clergy of Constantinople while the Council of Chalcedon was considering the case of Bishops Bassian and Stephen of Ephesus? The bishops of Asia wanted the election and consecration to take place in Ephesus, while custom did not exclude the consecration's being performed in Constantinople, a course which was strongly argued by the clergy of the capital. They answered the bishops who proposed that "the canons should prevail" by saying: "Let what was prescribed by the 150 Holy Fathers prevail."

It is surely not possible to regard the plea of the clergy of Constantinople against the bishops' proposal as coincidental, in that "it reveals the tendency formulated long before, for the *ἐξαιρετικά πρεσβεία τιμῆς* (*exceptional prerogatives of honour*) to be directly connected to supra-diocesan power to ordain and try bishops."

Does it not indicate that "by invoking canon three of Constantinople, the clergy of Constantinople sought to secure Constantinople's privileges where consecration was concerned?"

In the same way, how can one explain the activities of Proclus of Constantinople, who extended the authority of the Constantinopolitan

throne in the diocese of Oriens, clearly without having any desire to infringe upon the prerogatives of the throne of Antioch? Proclus wrote to Domnus of Antioch, recommending as a brother bishop that the case of Athanasius of Perrha should be reviewed, and he confirmed the consecration of the bigamist Irenaeus for the Church of Tyre.

Even if one can accept that canons nine and seventeen are not really clear, who can correctly interpret their contents and restore their genuine sense? Should one rely on one-sided, arbitrary judgements of individuals, or on the continuous, uninterrupted practice of the Church, which reflects its view of the rôle of the canons? Clearly the latter is the more accurate criterion for interpreting the canons correctly.

Is it really possible or plausible that "what has once prevailed as custom in the Church and has been ratified by councils is made ineffectual by a few," in that custom and the ecclesiastical mentality expressed through it on each occasion are the most trustworthy indication of the fidelity of *traditio constitutiva* to *traditio continuativa*?<sup>1</sup>

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1. Although Pheidas describes Troitsky's evaluation of canons 9 and 17 as exaggerated, he does give the impression of being subconsciously under the influence of some of the Russian scholars, particularly Pavlov and Troitsky, in this matter of appeals. These scholars are perhaps justified in putting forward opinions hostile to the Oecumenical Patriarchate, given the chauvinistic ideas which are known to have motivated them. Yet it is for this reason that it is impossible to regard them as either impartial or objective, or as representatives of the genuine tradition of the Russian Church or of the God-fearing Russian people.

As can be seen from his bibliography at least, Pheidas does consider the opposing views of other distinguished Russian canon lawyers, such as Gidulianov, who regards the whole of the East as subject to Constantinople's indirect right to hear appeals, in the same way that the West is subject to the throne of Rome. He substantially accepts, however, that the opinions of the first group, who do not acknowledge Constantinople's right of hearing appeals and consider that canons nine and seventeen were only legislating for the lesser dioceses of Pontus, Asia and Thrace, are more in line with the intention of these canons.

Alongside the writings of P. Gidulianov, Metropolitan Gennadius and Photiades, I think Pheidas should have examined the work of the other party, represented by the distinguished Russian scholars T. Barsov (*Konstantinopolskij Patriarch i ego vlast nad Rousskojou Tserkovjou*, St. Petersburg 1878 and 'O kanonitseskom elementje v tserkovnom oupravlenii,' in *Pravoslavnoje Obozrenije* 1881-2), I. Sokoloff (*Oput kursa tserkovnovo Zakonevledenija*), and by the Greek scholars Archimandrite Kallistos ('O Patriarchikós Oikoumenikós Θρόνος Κωνσταντινουπόλεως, 1920), and Metropolitan Germanos of Aenus (*Τὸ Οἰκουμενικὸν Πατριαρχεῖον καὶ αἱ ἐν τῇ Διασπορᾷ Ὁρθόδοξοι Ἐκκλησίαι*, 1947, *Τὸ Οἰκουμενικὸν Πατριαρχεῖον καὶ ἡ ἀρμοδιότης αὐτοῦ πρὸς σύγκλησιν Πανορθόδοξων Συνόδων*, 1948 and *Ἀπάντησις εἰς τὸν καθηγητὴν Τηρότσικυ*, 1953). If he had included their writings in his extensive bibliography, he would then have

These specialist judgements and those expounded beforehand afford the reader, I believe, sufficient evidence to draw the conclusion which in my opinion can be summarized as follows:

1. As he was in the capital, in the very heart of the Empire, in the midst of governmental responsibilities, the Bishop of Constantinople occupied a progressively dominant position in the Christian East, such as the see and Bishop of Rome enjoyed in the West.

2. His position as head of the church of the capital, in continual communication with the Emperor and court, created particular conditions that contributed to his advancement and to his authority's being extensively recognized even beyond the limits of his jurisdiction.

3. The most important of these conditions was the one by which, in spite of the strict prohibition against bishops' appearing in the capital without the invitation of the Emperor, many of them continually came and remained there some time.<sup>1</sup> Their purpose in staying was usually to submit applications to the Emperor on matters relating to the needs of their province, or to lay charges. It was thus very natural that they should address themselves to the bishop of the capital and ask his advice and help. Apart from this, it is known that the Emperors, when receiving applications from bishops arriving in the capital, would either pronounce judgement on them themselves and ask the opinion of the bishop of the capital, or would propose that the bishops should address themselves with their grievances directly to the Bishop of Constantinople as an arbitrator who would resolve the dispute with the participation of those bishops of the other dioceses that were present in the capital. Thus a special synod working with the Bishop of Constantinople called the Resident (*Ἐνδημοῦσα*) Synod, came into being.

4. The Resident Synod is the last natural stage reached by the progressive, logical development of ecclesiastical organization, which, as formulated in the canons of Nicaea, Antioch and Constantinople, runs:

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heard, instead of a voice distorted by prejudice and fanaticism, the pure, genuine voice of history, as expressed in the continuous, unbroken tradition of the Church, which is an irreproachable witness to historical truth and the authentic interpreter of the holy canons.

Both of the parties mentioned certainly put forward eloquent arguments. Yet the balance will be tipped one way or the other not so much by the weight of arguments, for one argument can always be countered by another, but rather by the sensitivity of the person who has to decide between them, because in this case whoever is called upon to decide judges his own conscience.

1. G. RHALLER and M. POTLES, op. cit., I, 149-151.

- a) The provincial synod,
- b) The greater (*μελζων*) synod,
- c) The synod of the diocese,
- d) The Resident Synod.

Yet, while the provincial synod met at regular intervals, the greater synod came together under exceptional circumstances, and the diocesan synod, if it ever existed, must have been convoked as often as the provincial synod saw itself incompetent to judge and punish particular episcopal offences. Finally, the Resident Synod would only meet as often as a case of more general canonical interest seriously required it.

5. As always happens in human law, the legislation was not *a priori*, did not precede, that is to say, the practice, but was based on that practice, to regulate it better and to eradicate breaches of the law. It was thus that Chalcedon promulgated canons nine and seventeen, by which clergy in general and bishops with a case against their metropolitans could have recourse to the exarch of the diocese — this must be understood to refer to the bishops later called patriarchs — or to the throne of Constantinople.

6. These canons recognize the Bishop of Constantinople as having the prerogative of hearing disputed questions of all kinds that have already been examined by the other thrones, but which have not been solved to the satisfaction of the parties concerned.

7. Stabilized in practice, recognized by the canons, ratified by the secular laws and guaranteed by later practice, this privilege of supreme judicial power made the throne of Constantinople the highest court in the entire East, all litigants being able to resort to him. In the West, this privilege was given Rome by the canons of the Council of Sardica.<sup>1</sup>

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1. It is worth quoting what Troïannos says in his book, *Ἡ Ἐκκλησιαστικὴ δικονομία μέχρι τοῦ θανάτου τοῦ Ἰουστινιανοῦ*, pp. 145-147: "It is true that the canons of Sardica do not give the Pope the prerogative of trying himself appeals submitted to him, but only of deciding whether a completely new examination of a case is necessary. This is then carried out by a synodical court composed by him and at which his representatives are present. But I do not think that on the basis of this limitation we can seriously doubt that the Council of Sardica attempted to make the Bishop of Rome the holder of supreme judicial power over the whole Church, power by which he could annul the decision of any canonical court which imposed the penalty of deposition on a bishop, and could order a fresh debate on the case. Naturally Rome attempted to present these canons as the work of the Council of Nicaea, so as to strengthen their authority and to remove any opposition to their enforcement. It was precisely for this reason that these canons of the Council of Sardica have never been applied in the East, because the Eastern Church reacted against Rome's being

8. This privilege of Constantinople did not in any way mean that he violated the prerogatives of the other thrones, because, always inspired by the spirit of the Church's unity in true faith and love, he only made use of this privilege when litigants addressed themselves to him at their own wish and explained their grievances.

*Canon Twenty Eight.*

In canons nine and seventeen, the Council of Chalcedon unquestionably made no innovation in Church administration, but merely invested with legal and canonical authority a custom already developed long before. It is equally undeniable that these canons were the prelude to the famous canon twenty eight, which completed the majesty and jurisdictional power of the Bishop of Constantinople and exalted his authority.

Canon twenty eight crystallized in a formal manner (*de jure*) a state of affairs which had come about as a result of a long series of events. As we have just seen, such conditions were created for the Church of Constan-

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involved to such a wide extent, when this would inevitably result in the East's being placed under the control of the Western Church. This does not mean that appeals stopped being made to Rome, but it does mean that the appellants appealed to Rome not on the basis of the prerogatives awarded Rome by the canons of Sardica, for appeals were made before these canons were promulgated, but they appealed rather to the bishop who held the prerogatives of honour amongst the orthodox hierarchs and who had faithfully guarded the Apostolic tradition, particularly during periods when dogmatic struggles were ravaging the Eastern Church, as during the period prior to the convocation of the Council of Chalcedon. The examples of such appeals are not numerous, but this does not lessen their importance:

a) The appeal of St. Athanasius and Bishops Asclepas of Gaza, Marcellus of Ancyra and Leucius of Hadrianople (SOCRATES, *op. cit.*, II, 15, PG LXVII, 212. SOZOMEN, *op. cit.*, III, 8, 1).

b) Flavian of Constantinople against his deposition by the Robbers' Synod (E. SCHWARTZ, *op. cit.*, II, II, 1, pp. 77 f.).

c) Eusebius of Dorylaeum against his deposition by the same synod (*Ibid.* pp. 79 f.).

d) Theodoret of Cyrus against his deposition by the Robbers' Synod (v. *Ep.* CXIII in PG LXXXIII, 1312 f.).

e) The appeal of John Talagias, Patriarch of Alexandria, against a verdict of Patriarch Acacius of Constantinople, to Pope Felix III (cf. J. MANSI, VII, 1137, the verdict of the Roman synod of 484, which indicates that appeal had been made, p. 146, n. 7).

Troïannos' thesis may well seem daring to some, and will probably occasion some reservations, but unquestionably it deserves considerable attention and does not lack support.

tinople—conditions not only political and historical, but even involving apostolicity both direct (through St. Andrew) and indirect (through the *ἱσαπόστολος* Constantine and the missionary activity of the Church of Constantinople to great numbers of barbarian peoples)—<sup>1</sup> that its mission and jurisdiction very soon burst the bounds of the Byzantine Empire. They were spread to countries and peoples to whom Constantinople gave, together with the preaching of the Holy Gospel, the cultural and ethical light of Byzantine civilization.<sup>2</sup>

The Constantinopolitan Church's mission to civilize the barbarians was not motivated by political or diplomatic considerations. Christ commanded that all peoples should be taught, that the world should be cleansed by baptism, should receive the seal of the gift of the Holy Ghost and be clothed in the radiant garment of evangelical virtues. Because of this colossal task, the Church of Constantinople came to have exceptional importance. The Fathers of Constantinople recognized a concrete situation which had been automatically created by the new requirements of Christian expansion and in canon three gave the church which was the spiritual centre of the Empire its proper status. The importance for the Christian world of the new capital and the new historical period marked by its church's mission also demanded that it should hold the proper prerogative of honour in the hierarchy. The way events developed in the East demonstrated how correct the council's decision was. Parallel with the new political reshaping of the state, a strong spiritual centre was required from which the light of Christian civilization could radiate over the barbarian world. Once Monophysitism had taken root in Egypt, Palestine and Syria, destroying the unity of the Christian world and rupturing the spiritual unity of the Empire, the need to consolidate the position of the Church of Constantinople was seen to be imperative.<sup>3</sup>

The Council of Chalcedon was thus faced with a series of *faits accomplis* and promulgated canon twenty eight, in which it recognized the position of the Bishop of Constantinople in agreement with the third canon of Constantinople. It went on to elucidate the Constantinopolitan canon and fixed the privileges and prerogatives of the Bishop of Constantinople,

1. GENNADIUS of Heliopolis and Thira, op. cit., pp. 12-22.

2. GENNADIUS of Heliopolis and Thira, "Ἡ ὀριστική διαμόρφωσις τοῦ Οἰκουμενικοῦ Πατριαρχείου καὶ ἡ Δ' ἐν Χαλκηδόνι Σύνοδος," in *Ὁρθοδοξία* 1951, 409.

3. P. POLAKES, "Ἡ Ἑλληνικὴ Ἐκκλησία καὶ ὁ κόσμος τῶν Βαρβάρων," in *Ἐπιστημονικὴ Ἑπετηρὶς Θεολογικῆς Σχολῆς Πανεπιστημίου Θεσσαλονίκης*, 1953, 475, 477-478.

putting the ecclesiastical dioceses of Pontus, Asia and Thrace "as well as the bishops among the barbarians" under his jurisdiction, thus giving canonical authority to what had already in reality prevailed for a long time.<sup>1</sup>

Canon twenty eight, together with other canons, was passed during the fifteenth session of the council<sup>2</sup> on the thirtieth of October, but in

1. M. Jugie, in particular among the Assumptionist Fathers, condemns this canon as "heretical" (*Le Schisme byzantin* pp. 11 f.), without, however, daring to proceed to the logical conclusion of saying that the Council of Chalcedon was "heretical" when it promulgated the canon. P. POLAKES, 'Η Ἑλληνική Ἐκκλησία καὶ ὁ κόσμος τῶν βαρβάρων,' in *Ἐπιστημονική Ἑπετηρίς Θεολογικῆς Σχολῆς Πανεπιστημίου Θεσσαλονίκης*, 1953, 478.

2. See the excellent article of E. Chrysos ('Η διάταξις τῶν συνεδριῶν τῆς ἐν Χαλκηδόνι Οἰκουμενικῆς Συνόδου,' in *Κληρονομία* III, 1971, 280). Chrysos makes a special study of the order in which the sessions of the Council of Chalcedon took place, and reaches conclusions which "not only remove the most obstacles, but which also form the most natural order which must have prevailed at Chalcedon on the basis of the importance of the subjects and the practical question of dealing with them." There are those who believe that following the critical edition of the Acts of the Council by E. SCHWARTZ, it appears that canon twenty eight was not voted along with the other twenty seven canons at the seventh session held on the 25th of October, but rather at the fifteenth session, held on the 31st. They do not deny, however, that in spite of the opposition shown by the Papal Legates the canon was accepted and ratified by the council during the following session, the sixteenth, in the presence of the imperial officers (S. TROITSKY, 'Ο Smisle 9go i 17go Kanonov Halkidonskago Sobora,' in *Journal of the Moscow Patriarchate* 1961, 57-65).

Admittedly canons 28, 29 and 30 do not appear in the canonical collection of John of Antioch, in the *Nomocanon* of John of Constantinople, in the collection of the Scholastics, in the Arabic paraphrase of John the Egyptian or in the Slavonic versions of the ninth century. The omission, however, of canon 28 from the Slavonic versions is probably attributable to the fact that Rome forbade its addition to its own *Corpus* as unacceptable, and as a result canonical collections in Latin and Greek consisting of only twenty seven canons appeared and circulated widely in the West. Some collections would have been copied and translated into Slavonic using one of these texts as a model. The Slavonic *Nomocanon*, attributed to the ninth century and quite unrelated to the composition of St. Methodius, can only be explained by this happening (AEMILIANOS, Bishop of Meloa, 'Ἀπαράδεκτος Ἐπιθεσις,' in *Ἀπόστολος Ἀνδρέας*, 1962, ar. 556).

Cf. A. WUYTS, 'Le 28me canon de Chalcedoine et le fondement du primat romain,' in *Orientalia Christiana Periodica*, 1951, 265-282 and Th. MARTIN, 'The 28th Canon of Chalcedon; a background note,' in GRILLMEIER-BACHT, op. cit., II, p. 433). In any case this cannot possibly be used as an excuse to present canon 28 as a spurious and uncanonical insertion, given that it and canons 29 and 30 are to be found in all the other collections, and the Council in Trullo recognized, ratified and supplemented



the absence of the imperial officers and the Papal Legates. <sup>1</sup> The next day one of these legates, Paschasinus, drew the attention of the imperial officers to what had occurred, claimed that it contravened the canons and ecclesiastical discipline and demanded that the Acts should be read, so that the Fathers could judge whether what had been decided was just or unjust.

The Archdeacon Aetius in reply observed that apart from the doctrinal question, the council examined as was customary certain other questions, such as that of the Church of Constantinople. He said:

Let it be acknowledged that the questions concerning the faith have received a formulation. It is a custom in the councils, after formulating the most important matters of all, to examine and formulate certain other essential matters. We, the most holy Church of the Constantinopolitans, have some matters to settle openly. We besought the most important bishops, those from Rome, to be party to what has been done, but they claimed that they had received no such instructions. We referred the matter to Your Majesty, who commanded the holy council to stop the matter. But, Your Majesty taking precedence, the most holy bishops, this being a common question, arose and requested that this deed should be done. And it was done here not in an under-cover fashion, nor was it perpetrated like a robbery: the act is accordingly canonical. <sup>2</sup>

At the command of the imperial officers, the secretary of the holy consistory, Veronician, then read canon twenty eight from a memorand-

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what had been decreed in canon 28 (*Pedalion* 1957, p. 209. V. N. BENEŠEVIĆ, *Sinagoga v. 50 titulov i drugie juridiceskie sborniki Joanna Skholastika*, p. 218 and J. MEYENDORFF, *Orthodoxie et Catholicité*, p. 74).

1. According to Monachino, the imperial officers considered it more prudent not to attend this session, as they were aware that the privileges of the Bishop of Constantinople would be discussed. As they anticipated that objections would be raised if only by the Papal Legates, they thought it would be better to avoid carefully any active participation in the debate, so as to be able afterwards to play an intermediary rôle in the dispute which would result. The Papal Legates must have known or at least suspected that canon 28 was among the canons due to be submitted to the Fathers for ratification. Particularly they foresaw, perhaps, from the soundings they must surely have taken amongst the Fathers, that the climate was favourable to the canon and that it was likely to be ratified. Thus, says Monachino, they preferred to withdraw from the session, in the hope that their absence would maybe persuade the Fathers not to ratify the canon, and thus their objective would automatically be seen to have been achieved. Maybe they also thought that if the Fathers did in fact vote in favour of the canon, they would have a pretext for protesting (V. MONACHINO, 'Il canone 28 di Calcedonia e S. Leone Magno,' in *Gregorianum*, XX XIII, 1952, 531-547).

2. J. MANSI, VII, 427.

um. The legates then demanded that the canon should be invalidated, maintaining that it had been promulgated in defiance of the Fathers of the Church, and that pressure had been brought to bear on the members of the council. When they were asked which patristic texts they had in mind, they quoted canon six of Nicaea, which they read in its distorted Latin form, beginning *Ecclesia Romana semper habuit primatum* . . . With the aim of censuring this later, Western addition, the Fathers of the council answered by confining themselves to presenting in a dignified manner the genuine text of the canon as it had been preserved unchanged in the East, beginning with the words: τὰ ἀρχαῖα ἔθνη κατεῖρω . . ., without mentioning anything about Roman primacy. It is, moreover, known that in another, similar case Rome took it upon herself to place the canons of Sardica immediately after those of Nicaea, so as to make the Sardican canons appear to have been promulgated by the Oecumenical Council. As a result, Rome came into sharp disputes with the African Church in the fifth century.<sup>1</sup>

After reading the authentic text of canon six of Nicaea, thus finally refuting the legates' allegation that canon twenty eight had been promulgated in defiance of the Church Fathers, the Fathers of the council were asked to declare whether they had signed of their own volition, or because pressure had been brought to bear upon them. To a man, they all solemnly declared that they had signed of their own accord, freely and willingly. Most of them seized the opportunity to express warmly their gratitude and affection for the Constantinopolitan throne and its bishop. Some of them even said that they regarded themselves and some of their predecessors as honoured to have been elected and consecrated by the Bishop of Constantinople, and others saw the Bishop of Constantinople as their special personal father and protector. Some even maintained that they looked upon the glory of the Bishop of Constantinople as their own.<sup>2</sup>

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1. C. HEFELE and H. LECLERCQ, op. cit., II, 196-201, 209-211. L. DUCHESNE, *Histoire ancienne de l'Eglise*, III, 246-56. E. HERMAN, 'Der Konstantinopolitanische Primat,' in GRILLMEIER-BACHT, op. cit., II, 469.

2. The individual declarations of the bishops who took part in the Council of Chalcedon and signed its Acts are interesting: Eleutherius of Chalcedon said: "As I knew from the canons and from previously existing custom that the throne of Constantinople has these prerogatives, I signed with pleasure." Romanus of Myra in Lycia: "I was not coerced. I am happy to be under the throne of Constantinople, because it was he who honoured me and he who consecrated me. It seemed right to me and I signed of my own accord." Seleucus of Amasia: "Three bishops were consecrated by this throne before me, and I followed their example . . . and now I did this

After the bishops had finished speaking, the imperial officers summed up as follows:

From what has been done and from each deposition we decree that the primacy and exceptional honour of the God-beloved Archbishop of Old Rome are to be preserved in accordance with the canons, and the most holy Archbishop of the imperial capital Constantinople, the New Rome, must enjoy the same prerogatives of honour and have himself authoritative power to consecrate the metropolitans in the Asian, Pontic and Thracian dioceses in the following way: they are to be elected by the clergy, land-owners and outstanding men of each metropolis and are also to be chosen by all the most reverend bishops in the province, or by most of them. Whomsoever the afore-mentioned may deem worthy to be bishop of the metropolitical church is to be brought by his electors to the most holy Archbishop of the imperial capital, Constantinople. At the choice of the Archbishop, the candidate will either be consecrated during his stay in the city, or, if he decides against this, the consecration will be performed in the province with the consent of the bishopric.<sup>1</sup>

And all the bishops proclaimed with one accord:

This is a just decision. We all say these things, they are pleasing to all. All participated in the resolution.

The imperial officers restrained the Papal Legate Lucinsius, who impulsively protested that this was *hybris* and an "overthrow of the canons." The officers said: "Everything we discussed has been ratified by the council."<sup>2</sup> The legates finally persisted, and their disagreement was recorded in the Acts.

This internal disagreement was a curious and quite deplorable phenomenon; on the one hand the legates refused to take part in the debate which was so important to them, and on the other, when canon twenty eight was promulgated in their absence, they protested against it because

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willingly, desiring to be subject to this throne." Marinianus of Synnada: "As three bishops were consecrated before me by the most holy throne of Constantinople, and I was too, certainly the canons provide the most holy throne of Constantinople with the prerogatives." Pergamius of Pisidian Antioch: "It is right that we should hold the most reverend Archbishop of the imperial capital New Rome in honour and service in all things, as a special father." Antiochus of Sinope: "I willingly signed, following my metropolitan and the canon of the 150." Nunechius of Laodicaea: "The glory of the throne of Constantinople is our glory; therefore we also share in the honour, since it takes care of us, and we are content that the metropolitan of each province is consecrated by this throne. For this reason I willingly signed." J. MANSI, VII, 447 f. E. SCHWARTZ, op. cit., I, 3, 95 f.

1. E. SCHWARTZ, op. cit., p. 99.

2. Ibid. p. 99.

they had not been present. They appear to have lacked even rudimentary flexibility. If they had had the adaptability and discretion of their predecessor Philip, who had handled matters of equal delicacy with immense competence during the Council of Ephesus twenty years earlier, many unfortunate incidents would certainly have been averted, because Rome was recognized as having "the primacy and special honour, according to the canons." Noone contested this. In fact, the Easterners let no opportunity pass to demonstrate their deepest respect and proper honour for the Bishop of Rome. This can be seen clearly in the words the Fathers of the Council sent to Pope Leo:

You guarded the faith like a golden chain . . . by the command of Him who fixed it to come down to us you were made in all things the interpreter of the voice of the blessed Peter and of his faith; you bring beatitude to all; hence we also are subject to you as a leader for our benefit, and you as head of the members preside amongst those who hold the same rank as you, showing favour . . .<sup>1</sup>

Thus, while an important stage was marked in the history of the Eastern churches, a gap emerged between East and West. Those in Constantinople tried their hardest to bridge it. When the Fathers gave Leo notice of the council's resolutions, they also mentioned canon twenty eight.

What the Fathers wrote in their letter to Pope Leo is typical:

The long prevailing custom possessed by the most holy Church of God of the Constantinopolitans of consecrating the Metropolitans of the dioceses of Asia, Pontus and Thrace we have now ratified by conciliar vote, not so much giving something to the throne of Constantinople, as regulating good order in the metropolises.<sup>2</sup>

Marcian wrote more or less the same in his letter to Leo. He said that the council had formulated what the canon of the second Oecumenical Council had already prescribed as the honour of the "august" Church of Constantinople: that directly after the Bishop of Rome, "the Bishop of the Constantinopolitans has second place, since this most renowned city is called New Rome."<sup>3</sup>

Even Anatolius of Constantinople asked with exceptional courtesy

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1. S. MELIAS, *Τῶν ἁγίων Συνόδων τῆς Καθολικῆς Ἐκκλησίας τῶν ἀνὰ πᾶσαν τὴν Οἰκουμένην συναθροισθεισῶν Οἰκουμενικῶν τε καὶ Τοπικῶν νέα καὶ διωφελεστάτη συνάθροισις*, 1761, vol. II, p. 23. AEMILIANOS of Melea, *op. cit.*, Feb. 1962, ar. 556.

2. S. MELIAS, *op. cit.*, II, p. 24.

3. E. SCHWARTZ, *op. cit.*, p. 55.

that the canon should obtain the approval and ratification of Pope Leo, because "the throne of Constantinople has as father your Apostolic throne, which has attached itself to us in a special way." <sup>1</sup>

Leo's answer is unfortunately full of severe expressions and charges. Anatolius is accused of having been uncanonically consecrated, and of having subverted the canons of Nicaea firstly so as to destroy the Bishop of Alexandria's privilege of being second in honour and the Bishop of Antioch's of being third, and secondly so as to subordinate the metropolitans to his jurisdiction. Leo goes on to charge Anatolius with having exploited an Oecumenical Council which was assembled for the purpose of resolving questions of faith for the satisfaction of his own arrogance. The Pope also attacks the second Oecumenical Council, which, as he puts it, was a synod of "some bishops" (*ἐπισκόπων τινῶν*), and he was not familiar with its canons. If Anatolius sought the impossible, Leo went on, he would deprive himself of the peace of the entire Church. <sup>2</sup>

The Pope wrote much the same to the Emperor Marcian, stressing that Anatolius ought to be satisfied with being bishop of the imperial capital:

... which he cannot make an Apostolic throne, but neither shall he hope in any way to be able to increase (his position) by offending others. <sup>3</sup>

He was more bitter and severe in his letter to Anatolius. He condemns the Bishop of Constantinople for having coerced the Fathers of the Council to sign a resolution so unfavourable for the Pope.

In his reply, Anatolius stressed that the promulgation of the canon was not instigated by him, but was a product of the free, spontaneous demand of the three bishops of the dioceses concerned—Caesarea, Ephesus and Heraclea—and he observed that the Council of Chalcedon diminished rather than extended the rights of the Bishop of Constantinople

1. Ibid. pp. 53-54.

2. Ibid. p. 58.

3. Ibid. p. 62. Pope Leo claimed that the Bishop of Constantinople could not be "increased," because his see was not of Apostolic foundation. Yet when he writes that the Bishop of Constantinople could not "make" his throne Apostolic he is surely giving us evidence that a long tradition already prevailed testifying to the Apostolic foundation of the Constantinopolitan Church. Besides, the East had a large number of Apostolic thrones, yet Leo did not regard any of them as equal in status and honour to that of Rome, which he promoted not as one of the Apostolic thrones, but as the only one, because of St. Peter (P. POLAKES, *Ἱστορικαὶ προϋποθέσεις* . . . p. 105 and "Ἡ Ἐκκλησία καὶ . . .," in *Ἑπ. Ἑπετ. Θεολ. Σχ. Πανεπ. Θεσσαλονίκης*, 1953, 460).

when it entrusted him with consecrating the Metropolitans of Caesarea, Ephesus and Heraclea, because for about sixty or seventy years, ever since the Council of Constantinople, the Bishop of Constantinople had in fact consecrated the bishops within these dioceses as well.<sup>1</sup>

In any case, the object of Leo's ire, canon twenty eight, was not an innovation in the East, nor did it diminish the status of the Bishop of Rome in the hierarchy. The Church of Constantinople had already, for many years, been a centre for the churches of the East, which had settled their disputes through it. The prerogatives of honour which both the second and fourth Oecumenical Councils wished to give the Constantinopolitan Church were not designed to satisfy misplaced ambition. It is impossible that the Fathers of these councils should have fallen so low as to be instrumental in establishing such "ambition". They would have been the first to suffer the consequences.<sup>2</sup>

Canon twenty eight was simply an example of the Eastern bishops' reverence and honour for the bishop of the imperial capital, a formulation of the historical truth that the Church of Constantinople was a product of the Christian mentality of the East, and the unavoidable result of the historical needs of the new Christian world. It is curious and unfortunate that a Pope of the calibre of St. Leo did not bear this in mind when assessing the twenty-eighth canon, so as to come to a proper evaluation of events in the East.<sup>3</sup> This famous canon, which was the occasion

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1. S. MELIAS, *op. cit.*, II, p. 26.

2. P. POLAKES, *Ἰστ. προνομιῶν*, p. 104. Pichler writes that canon 28 did not provide the Bishop of Constantinople with any new special power, but awarded to him *de jure* what he already had *de facto*, yet without his asking for it or acquiring it with violence (*Geschichte der Trennung zwischen dem Orient und Occident*, vol. II p. 630). Duchesne (*op. cit.*, III, p. 462) acknowledges that in practice the canon did not make any "great innovation," because its provisions had already been applied for three generations. Batiffol (DTC IX, col. 264) confesses that it is difficult to justify Pope Leo's opposition, because the canon did not take away the rights of Eastern metropolises so as to benefit the Bishop of Constantinople. Bardy (A. FLICHE and V. MARTIN, *op. cit.*, IV, 238) agrees that the council did not decide anything absolutely new, but merely ratified what had already been decreed in the third canon of the Council of 381.

3. Leo regarded the elevation of the Bishop of Constantinople to "a second patriarchate," to use Kidd's phrase (cf. T. JALLAND, *The Life and Times of St. Leo the Great*), as a rival to his own power, which he wanted to extend over the universal Church (P. POLAKES, *op. cit.*, p. 105). The violation of various canons of the Council of Nicaea provided a pretext. It is well known that extensive ecclesiastical areas within Italy itself (Milan, for example) were originally independent, and only later

of so much debate and quarrelling between the Churches of East and West,<sup>1</sup> was to determine the ecclesiastical organization of Eastern Christendom for centuries to come.

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came under the jurisdiction of the Pope. Vancourt (DTC XI, col. 2265) admits that at the time of Nicaea Rome consecrated all the bishops of its metropolitan jurisdictional area and that later it came to have the right of consecration merely in the ten provinces around Rome. Not many years — perhaps fifty — before the Council of Chalcedon, a gloss added to the second Nicene canon provides this information: "A very ancient custom is preserved for Alexandria and Rome. The former is to have responsibility for the churches of Egypt, and the latter is to have care of the churches around Rome." To describe the Pope's jurisdiction, Rufinus, who quotes the gloss, uses the words: "Surburbicarum Ecclesiarum solitudinem gerat" (PL XXI, 47). Whatever interpretation is to be given to the word *suburbicarum* and the other words of the gloss, the fact remains that in early times Northern Italy, and in particular the area around Milan, lay beyond Papal jurisdiction. Later developments in Italy contributed to the whole peninsula's eventually coming under the jurisdiction of the Pope. Why then did the Westerners wish to see the development of ecclesiastical life in the East in a different light? Were they unaware of the situation which was gradually created in this area in political, ecclesiastical and missionary terms? The schism was created not by canons such as 3 of Constantinople or 28 of Chalcedon, but by other causes, including the lack of a proper psychological criterion to assess what was happening in the East and to understand fully personalities and situations (GENNADIUS of Heliopolis and Thira, "Ἡ ὁριστικὴ διαμόρφωσις τοῦ Οἰκουμενικοῦ Πατριάρχου καὶ ἡ ἐν Χαλκηδὼν Σύνοδος", in *Ὁρθοδοξία* 1951, 439).

1. As the late Metropolitan of Heliopolis and Thira Gennadius remarks, it is sad when reading the *Dictionnaire de Théologie Catholique* to come across the bitter, passionate judgements on the jurisdiction of the Bishop of Constantinople as exercised before and after Chalcedon in the articles under the headings: 'Constantinople,' 'Eglise de Constantinople' (S. Vailhé) and 'Eglise byzantine' (J. Pargoire). Such regrettable comments also appear in C. HEFELE and H. LECLERCQ, *Histoire des Conciles* and specifically in Leclercq's notes in *Echos d'Orient*. Grumel and Congar and some other modern writers are a welcome exception when they assess questions relating to the history of the Oecumenical Patriarchate in a relatively impartial manner. It is, I think, important to hold up this exception as a valuable contribution to the restoring of historical truth and to the promoting of unity between the two sister churches. Yet it is even more regrettable to find the old unjust criticisms reiterated, albeit less strongly, by modern Roman Catholic historians, such as E. Herman ('Chalkedon und die Ausgestaltung des Konstantinopolitanischen Primats,' in GRILLMEIER-BACHT, op. cit., II, 459-490), V. Monachino (op. cit., 1952, 544) and P. Ioannou (*Pape, Concile et Patriarches*, pp. 60-64). It is still more depressing to find these criticisms repeated by high ecclesiastical officials, such as Cardinal Amleto Cicognani, who in a lecture given in Naples in 1961 attacked the East in general and the Oecumenical Patriarchate in particular with unusual vehemence, passion and prejudice. Equally depressingly we find these ideas reflected

*The Text of the Canon.*

Πανταχοῦ τοῖς τῶν ἁγίων πατέ-  
ρων ὄροις ἐπόμενοι, καὶ τὸν ἀρτίως  
ἀναγνωσθέντα κανόνα τῶν ἑκατὸν πενή-  
κοντα θεοφιλεστάτων ἐπισκόπων, τῶν συ-  
ναχθέντων ἐπὶ τοῦ τῆς εὐσεβοῦς μνήμης  
Μεγάλου Θεοδοσίου, τοῦ γενομένου βασι-  
λέως ἐν τῇ βασιλίδι Κωνσταντινουπόλεως  
Νέᾳ Ῥώμῃ, γνωρίζοντες, τὰ αὐτὰ καὶ  
ἡμεῖς ὀρίζομεν τε καὶ ψηφίζομεθα περὶ τῶν  
πρεσβείων τῆς ἁγιοτάτης ἐκκλησίας  
τῆς αὐτῆς Κωνσταντινουπόλεως, Νέας  
Ῥώμης· καὶ γὰρ τῷ θρόνῳ τῆς πρεσβυ-  
τέρας Ῥώμης, διὰ τὸ βασιλεύειν τὴν πό-  
λιν ἐκείνην, οἱ πατέρες εὐλότως ἀποδε-  
δώκασι τὰ πρεσβεῖα. Καὶ τῷ αὐτῷ σκοπῷ  
κινούμενοι οἱ ἑκατὸν πενήκοντα θεοφιλέ-  
στατοι ἐπίσκοποι, τὰ ἴσα πρεσβεῖα ἀπένει-  
μαν τῷ τῆς Νέας Ῥώμης ἁγιοτάτῳ θρόνῳ,  
εὐλόγως κρίναντες τὴν βασιλείαν καὶ συγ-  
κλήτῳ τιμηθεῖσαν πάλιν, καὶ ἴσων ἀπο-  
λαύουσαν πρεσβείων τῇ πρεσβυτέρᾳ βα-  
σιλίδι Ῥώμῃ, καὶ ἐν τοῖς ἐκκλησιαστι-  
κοῖς ὡς ἐκείνην μεγαλύνεσθαι πράγμασι,  
δευτέραν μετ' ἐκείνην ὑπάρχουσιν. Καὶ  
ὥστε τοὺς τῆς Ποντικῆς, καὶ τῆς Ἀ-  
σιανῆς, καὶ τῆς Θρακικῆς Διοικήσεως  
μητροπολίτας μόνους, εἴ τι δὲ καὶ τοὺς ἐν  
τοῖς βαρβαρικοῖς ἐπισκόπους τῶν προ-  
ειρημένων Διοικήσεων χειροτονεῖσθαι  
ὑπὸ τοῦ προειρημένου ἁγιοτάτου θρό-  
νου τῆς κατὰ τὴν Κωνσταντινούπολιν ἁ-  
γιοτάτης ἐκκλησίας· δηλαδὴ ἐκάστου  
μητροπολίτου τῶν προειρημένων Διοι-  
κήσεων μετὰ τῶν τῆς ἐπαρχίας ἐπισκό-  
πων χειροτονούντος τοὺς τῆς ἐπαρχίας  
ἐπισκόπους, καθὼς τοῖς θεοῖς κανόσι

We, following in all things  
the decisions of the holy Fathers,  
and acknowledging the canon of  
the hundred and fifty most reli-  
gious bishops which has just been  
read, do also determine and decree  
the same things respecting the  
prerogatives of the most holy  
Church of Constantinople, New  
Rome. For the Fathers properly  
gave the prerogatives to the throne  
of Old Rome, because that was the  
imperial city. And the hundred  
and fifty most religious bishops,  
being moved with the same inten-  
tion, gave equal prerogatives to  
the most holy throne of New Rome  
judging with reason that the city  
which was honoured with the impe-  
rial office and the senate and which  
enjoyed equal prerogatives to the  
elder imperial Rome should also  
be magnified like her in ecclesia-  
stical matters, being the second  
after her.

And we also decree that the  
metropolitans only of the Pontic,  
and Asian, and Thracian dioceses,  
and moreover the bishops of the  
afore-said dioceses who are amongst  
the barbarians, shall be ordained  
by the above-mentioned most holy  
throne of the most holy Church  
of Constantinople; each metro-  
politan of the afore-said dioceses  
ordaining the bishops of the pro-

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in official documents of the Roman Catholic Church, such as the Papal Encyclical *Aeterna Dei Sapientia*, issued in 1961 to mark the 1500th anniversary of the death of Pope Leo the Great. I should like to think that the Cardinal's lecture and the encyclical are the final manifestations of a regrettable period of bitterness and polemic between the two churches, which ended once and for all with the inauguration of a new era in relations between the two sister churches by the meeting in Jerusalem in 1964 of the Primate of Old and New Rome. I hope and pray that I am not deceiving myself.



διηγόρεται χειροτονεῖσθαι δέ, καθώς  
εἴρηται, τοὺς μητροπολίτας τῶν προ-  
ειρημένων Διοικήσεων παρὰ τοῦ Κων-  
σταντινουπόλεως ἀρχιεπισκόπου, ψηφι-  
σμάτων συμφώνων κατὰ τὸ ἔθος γινομέ-  
νων, καὶ ἐπ' αὐτῶν ἀναφερομένων. <sup>1</sup>

vince, as has been declared by the  
holy canons; but the metropoli-  
tans themselves of the said dio-  
ceses, shall, as has been said, be  
ordained by the Bishop of Con-  
stantinople, the proper elections  
being made according to custom,  
and reported to him.

The canon falls into two main divisions. The first is a reiteration and ratification of canon three of the Council of Constantinople, which had not been recognized by the entire Church as oecumenical. <sup>2</sup> The second is a recognition of the Bishop of Constantinople's power not only over the diocese of Thrace, but also over the Asian and Pontic dioceses, and over the bishops of those dioceses who are "among the barbarians". At the same time it gives him the exclusive prerogative of consecrating the metropolitans of these dioceses, together with those of their bishops that are in barbarian areas. That is to say, he is recognized as having a prerogative which he had already been exercising in practice for a long time. Officially, canon six of Nicaea had only recognized the Churches of Rome, Alexandria and Antioch as possessing this prerogative. The second part of the canon was in harmony with the tradition of the East and of Nicaea, by which the *de facto* power and authority of certain large churches could materialize as a legal right extending well beyond the geographical limits of the jurisdictional area of the regular metropolises. <sup>3</sup>

The Fathers of Chalcedon thus reiterated canon three of Constantinople, justifying and confirming its assessment of the Bishop of Constantinople, and as a natural consequence of his elevation therein they defined precisely the areas where Constantinople's power as *πρῶτος ἑξαρχος*

1. G. RHALLS and M. POTLES, *op. cit.*, II, pp. 280-281.

2. The Church of Rome, for example, had not accepted this canon. On this point, Grumel writes: "As for Rome, there is no proof that it had received official notification of the canons of 381, but it is difficult to believe that it was unaware of the measure concerning the Bishop of Constantinople. If Rome did not protest at that point, it was because it saw in the contents of this canon merely an acknowledgement of honour which it was difficult to reject, and had no suspicion of the consequences which were to follow for the unity of the Church. The Holy See made no comment on the prerogatives which the bishop of the capital already appeared to exercise in Asia Minor and in Thrace. This silence seemed like recognition or at least tolerance of the situation presupposed by the decision" (*Les Registres des Actes du Patriarcat byzantin*, p. 103).

3. J. MEYENDORFF, *Orthodoxie et Catholicité*, p. 70.

and *παρτίδοξης* should prevail. Although this was no innovation, it nevertheless did form a new element in the contents of the canon.<sup>1</sup>

How are the contents of this canon, the subject of so many differing judgements and commentaries, to be interpreted? To avoid arbitrary interpretation, we must, I believe, discern in canon twenty eight the logical, traditional aspect and sequence of the principles laid down by Nicaea, namely:

- a) the authority and power of a church are the product of its influence and ascendancy in practice over the other churches,
- b) for the most part, the bishops of the most important cities held supremacy and exercised a corresponding influence, and
- c) the status of Rome was a useful precedent and was taken as a model.<sup>2</sup>

The Council of Constantinople followed these same principles, bearing in mind the great ecclesiastical authority of the Bishop of Constantinople, and that the turn of political events naturally demanded a new ecclesiastical arrangement. It recognized the Bishop of Constantinople as having the second position, where prerogatives of honour were concerned, after Rome, enacting its third canon, which was taken up by the Fathers of Chalcedon. The following two observations can be made:

1. The Fathers of Chalcedon avoided haste when completing the new legal order as it affected the throne of Constantinople. They preferred to allow the internal vitality to emerge first, the vitality which the see of New Rome contained within itself. For this reason they gave the Bishop of Constantinople high honour, but did not legally attach to this honour any corresponding administrative power. However, the power which was not given a canonical basis by the Oecumenical Council rapidly came to prevail in practice, thanks to the irresistible turn of events which both completed to a great extent the conspicuous secular importance of Constantinople, the splendour of which was reflected in its ecclesiastical leader, and at the same time boosted the exceptional honour with which, because of his special authority, the bishop of the imperial see was invested by the Emperors, who saw him, as far as was proper, as their most natural adviser in ecclesiastical affairs. Disputed cases were submitted to his judgement. Thus the Bishop of Constantinople's authority was rapidly strengthened, and his power increased remarkably. The

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1. GENNADIUS of Heliopolis and Thira, "Η ὀριστική διαμόρφωσις . . ." in *Θεολογία* 1951, 433.

2. J. MEYENDORFF, *op. cit.*, p. 71.

bishops of the capital contributed greatly to this by their individual ability and high calibre. The Eastern Orthodox Church as a whole (but particularly the three dioceses of Pontus, Asia and Thrace) had already adapted itself to the extension of Constantinople's ecclesiastical jurisdiction even before the Chalcedonian canons were promulgated.<sup>1</sup>

2. As at Nicaea, Rome was recognized as holding unquestioned primacy, but no scientific interpretation was laid on this primacy. The prerogatives of the Bishop of Constantinople were seen to derive from those of Rome, as a kind of reflection of them. The canon came out principally against the Bishop of Alexandria, whose authority had been increased as a result of the Arian struggle, and whose power had, until Chalcedon, been almost unrivalled in the East. No canon, other than the sixth of Nicaea, had really settled the ambiguous relations between the great churches. It should not be forgotten that the Council of Nicaea had restricted itself to confirming the power of these bishops over the whole of a secular diocese, without specifying if an ancient see—such as Alexandria or Antioch—could or could not demonstrate or exercise its power elsewhere. The bishops of these churches did occasionally act beyond the boundaries of their dioceses. Euzoius of Antioch installed the Arian bishop Leucius in Alexandria after Athanasius' death, and the Alexandrians attempted to make Maximus the Cynic Bishop of Constantinople. Canon two of Constantinople ruled out such actions: . . . τὸν μὲν Ἀλεξανδρείας ἐπίσκοπον τὰ ἐν Αἰγύπτῳ μόνον οἰκονομεῖν, τοὺς δὲ Ἀνατολῆς ἐπισκόπους, τὴν Ἀνατολὴν μόνον διοικεῖν . . .<sup>2</sup>

Canon three, on the other hand, set the moral authority of the Bishop of Constantinople against the jurisdictional power of the bishops presiding over the dioceses. As a result, this moral authority *had no geographical limits*, any more than there were geographical limits to the authority and power of the Elder Rome's bishop, which were seen as the model for Constantinople's authority. Thus, as canon six of Nicaea uses Rome as the model for defining the prerogatives of Alexandria over further secular dioceses, so canon three of Constantinople makes Rome the model for the moral authority of the see of the new capital, an authority exercised independently of the administrative divisions of the Empire. Canon three, therefore, is in complete harmony—at least as far as the Eastern

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1. I. PANAGHIOTIDES, 'Τὸ δογματικὸν καὶ κανονικὸν ἔργον τῆς Δ' Οἰκουμενικῆς Συνόδου,' in *Ὁρθοδοξία*, 1951, 507.

2. G. RHALLER and M. POTLES, *op. cit.*, II, 128.

primacy is concerned—with the principle established by the Council of Nicaea.<sup>1</sup>

However, Chalcedon does appear to innovate in relation to the first two Oecumenical Councils, in that the criterion of a church's moral authority is no longer exclusively the moral and ecclesiastical influence exercised by that church over others, but also turns upon its status as the seat of the Emperor and the Senate. Clearly this new element is to be discerned in the canon's motives for recognizing the prerogatives of honour to the Bishop of Constantinople. It thus emerges that:

a) The prerogatives of the Bishop of Rome do not proceed from divine right, but are a purely ecclesiastical institution, moulded by custom and invested with authority by the Fathers: ἀποδεδώμασι τὰ πρεσβεῖα, declares the canon. This canonical formula can have no connection with any particular council, but expresses the totality of the prenicene tradition which recognized the Church of Rome as occupying a special place in the Christian *oecumene*.<sup>2</sup>

b) Apart from its unquestionably possessing great moral authority in the Church, political reasons also contributed to the moulding of Rome's primacy: διὰ τὸ βασιλεύειν τὴν πόλιν ἐκείνην (because it was an imperial seat).

c) For these reasons, the Fathers of Chalcedon judged that it was essential to bestow the same prerogatives upon New Rome as well, since it was honoured like the Elder Rome with the Court and the Senate, so that it should also be exalted like the Elder Rome in ecclesiastical affairs.<sup>3</sup>

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1. J. MEYENDORFF, op. cit., p. 67.

2. Ibid. p. 51.

3. How are we to explain the apparent contradiction between the argument contained in canon 28 and the generally effusive expressions — particularly marked in the letter sent by the council fathers to Pope Leo — employed by the Easterners towards the Pope throughout the council and in the correspondence conducted subsequently, where they recognize his special authority, above all in questions of faith? They were probably attempting by the use of tactful, diplomatic language of great subtlety and flexibility to bend the West's resistance, accomodating the situation and the circumstances, yet without deviating in the slightest from the fundamental substance of the resolutions of the council, distinguishing between Rome's special, moral authority, acquired as a result of its Apostolic foundation, and the jurisdictional power it was recognized as having by virtue of being the church of the capital of the Empire. Rome's primacy was disputed because it was at the same time the first city of the Empire and the Church of the Apostles Peter and Paul. It was because of Rome's special authority deriving from this double title that its prerogatives were

The Fathers of Chalcedon determined the rank and honour of the throne of Constantinople, recognizing, that is, that the throne had "prerogatives equal to those of the Bishop of Rome." They laid down in canon twenty eight his proper area, jurisdiction and power, subordinating the three large exarchates of the Empire—Pontus, Asia and Thrace—to his administration and pastoral care.

Admittedly the canon in principle only speaks about consecrating metropolitans, not of general sovereign power. In his commentary on canon twenty eight, Zonaras goes so far as to write:

So that those holy Fathers should not be thought to assign everything involving consecrations to the authority of the Bishop of Constantinople (so that he could legally do in ordinations whatever he liked) they laid down that only the metropolitans of the afore-mentioned dioceses are ordained by him, . . . and each metropolitan with the bishops of his province consecrates the bishops of the province, just as is declared plainly by the holy canons.<sup>1</sup>

Yet it must not be forgotten that in the thought of the period, sovereign power was connected with the right of consecration.<sup>2</sup> The Metropolitans of Caesarea, Ephesus and Heraclea are not referred to specifically, but are counted among the metropolitans in general. It must also be remembered that as far as consecrating the bishops of the province was concerned, procedure varied from place to place.<sup>3</sup> Thus, in the Church of Constantinople, according to canon twenty eight, the bishops of the province were not consecrated by the Bishop of Constantinople. In the Churches of Rome and Alexandria, however, another situation prevailed. In Europe, the position of metropolitan was created much later, and in Egypt, according to the prevailing opinion at least, the Bishop of Alexandria had for a long time been the sole real metropolitan who

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recognized by the council. The Council of Chalcedon stressed one of these two factors, the secular, "because that city is sovereign," and described it not merely as "the elder" but as the "imperial" city. The council left Rome's moral authority deriving from its Apostolic foundation to be understood" (MEYENDORFF, *op. cit.*, p. 72. I. PANAGHIOTIDES, *op. cit.*, 1951, 511).

1. G. RHALLES and M. POTLES, *op. cit.*, II, 283.

2. Commenting on canon six of the Council of Nicaea, Zonaras writes: "It is so anxious that the bishops should hold sway in their provinces that it provides that there should be no place for ecclesiastical administration without them; the greatest and most important aspect of this is the consecration of the bishops" (G. RHALLES and M. POTLES, *op. cit.*, II, p. 129. Cf. PHEIDAS, *op. cit.*, pp. 50, 232 and 242).

3. PHEIDAS, *op. cit.*, p. 255.

consecrated the bishops.<sup>1</sup> Once acquired, these prerogatives were certainly not abolished by the introduction of the office of metropolitan.

Events in Constantinople, Antioch and Jerusalem took a quite different turn. In these churches the metropolitan system preceded the patriarchal, and thus the rights of the metropolitan to consecrate the bishops of his province were retained, although it should be borne in mind that, for a period of sixty or seventy years, the Bishop of Constantinople consecrated the bishops of these dioceses as well, as Anatolius of Constantinople writes in his reply to Pope Leo.<sup>2</sup>

Canon twenty eight also enacted:

ἔτι δὲ καὶ τοὺς ἐν τοῖς βαρβαρικοῖς ἐπισκόπους τῶν προσηρμένων διοικήσεων χειροτονεῖσθαι ὑπὸ τοῦ προσηρμένου ἀγιοτάτου θρόνου τῆς κατὰ τὴν Κωνσταντινουπόλιν ἀγιοτάτης ἐκκλησίας.

What was meant by this section, which has attracted so many different judgements and commentaries from scholars? Does the expression ἐν τοῖς βαρβαρικοῖς denote geographical area, or the peoples concerned?

In an article published in the *Journal of the Moscow Patriarchate*, Troitsky supports the view that if the word *βάρβαρος* in canon twenty eight indicates a geographical area in relation to the frontiers of the Empire, then it must be accepted that the Council of Chalcedon entrusted all the regions beyond the borders of the Byzantine Empire to the throne of Constantinople. If, on the other hand, the word is an ethnological term and means simply non-Greeks who have been converted to Christianity, then the throne of Constantinople's prerogative over the *diaspora* which lies beyond the limits of the Orthodox autocephalous churches loses its basis.<sup>3</sup>

Troitsky takes *βάρβαρος* here as an ethnological rather than a geographical term, because of: a) the clear sense of the word, b) its context, c) canon two of Constantinople, d) the authority of the canonists, and e) historical data.

He deals with these as follows:

1. The word *βάρβαρος* in the New Testament means anyone not speaking the official Greek or Latin tongue, irrespective of whether he lived

1. E. SCHWARTZ, 'Zur Geschichte des Athanasius,' in *Nachr. Gött.* IV, 1905, 182. Cf. HERMAN in Grillmeier-Bacht, op. cit., II, 474.

2. S. MELIAS, op. cit., II, p. 26.

3. S. TROITSKY, 'O granitsach rasprostraneniya prava vlasti Konstantinopolskoj Patriarchii na "diaspora",' in *Journal of the Moscow Patriarchate*, XI, 1947 34-45.

inside or out of the Roman Empire. St. Paul writes to the Corinthians: "If I do not know the meaning of the voice, I shall be to him who speaks a barbarian, and he who speaks shall be a barbarian to me."<sup>1</sup> He addresses Greeks and barbarians without going beyond the borders of the Roman Empire.<sup>2</sup> Although they were Roman citizens, the inhabitants of Malta are called barbarians in *Acts*,<sup>3</sup> simply because they spoke another language.

Much later, the word is used to denote foreigners, and the canonical code uses the word to describe foreigners living both outside the Empire<sup>4</sup> and in it.<sup>5</sup> The word *βάρβαρος*, or *βαρβαρικόν*, as against *Ἑλληνικόν*, is used for the barbarian states, evidently extending beyond the Roman Empire. The term is used in this sense in the fifty-second canon of the Council of Carthage, where it is said that there was no synod in Mauritania, because this province lay beyond the borders of Africa with its frontiers at the beginning of barbarian territory: *διὰ τὸ εἰς τὰ τέλη τῆς Ἀφρικῆς κείσθαι αὐτὴν καὶ ὅτι τῷ βαρβαρικῷ παράκειται*.<sup>6</sup> So the word *βαρβαρικόν* in the canons means a country governed by barbarians. If canon twenty eight had in mind such an area, it would have used the expression *ἐν τῷ βαρβαρικῷ*, while in fact it used the expression *ἐν τοῖς βαρβαρικοῖς*. Consequently it was referring not to barbarian areas, but to barbarians probably living within the confines of the Empire.

2. Only the adjective *βάρβαρος* appears in canon twenty eight, without the noun it qualifies. Yet if we bear in mind the affiliations of canon twenty eight with canon two of Constantinople, which is mentioned at the start of the Chalcedonian canon, and consider that in canon two of Constantinople there appear the words *ἐν τοῖς βαρβαρικοῖς ἔθνεσι*—among the barbarian peoples—we must assume that the word *ἔθνη*—peoples—is to be understood in canon twenty eight.

3. Canon twenty eight does not speak about barbarian peoples in general, but only about particular barbarians, those of the "afore-said dioceses among the barbarians;" that is to say those living within the dioceses of Pontus, Asia and Thrace. These three dioceses were within

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1. *I Cor.* XIV, 11.

2. *Rom.* I, 14.

3. *Acts* XXVIII, 2-4.

4. *Cod. Just.* XI, 36. *St. Basil, Can.* 35.

5. Canon 8 of the Council in Trullo. *Epistle to Diognetus*, V, 4. *SOCRATES*, op. cit., XV, 37.

6. *G. RHALLÉS and M. POTLES*, op. cit., II, p. 430.

the boundaries of the Empire, although they conducted missions beyond the borders and had provinces there. This canon is clearly not, therefore, speaking about the frontiers of the Empire, but rather makes subject to Constantinople the bishops of the barbarians living within the limits of the three dioceses, irrespective of whether or not the barbarians concerned were within the Empire. Given that the organization of missions was usually the function of the central administration, and that the subjection of the three lesser dioceses invested the Constantinopolitan bishop with central power, the organization of missions in the *diaspora* of the three dioceses was consequently given to him.

4. All the Byzantine canonists, Aristenus, Zonaras, Balsamon and Blastaris, understood the word *βαρβαρικῶς* to mean the barbarian peoples, and only those who were subject to the jurisdiction of the three dioceses. They underline that the canon did not put barbarian peoples of other neighbouring provinces under Constantinople's jurisdiction, but left them, as before, under the jurisdiction of the other orthodox churches. From this it becomes clear that the ancient, authoritative interpreters of the canons confirm that Chalcedon gave the Bishop of Constantinople the prerogative over the *diaspora* that had hitherto belonged to the dioceses of Asia, Pontus and Thrace. In canon twenty eight, the Church of Constantinople acquired the diaspora and the right to send bishops into the diaspora belonging to these dioceses.

5. History shows that when canon twenty eight placed the three dioceses of Pontus, Asia and Thrace with their diaspora under Constantinople's jurisdiction it did not circumscribe the prerogatives of the other autocephalous churches which had some specific jurisdiction over the barbarians of the diaspora. Thus the Church of Rome sent bishops all over Europe—apart from Thrace—, the Church of Alexandria dispatched bishops to the cities of Southern Egypt, and the Church of Antioch to the East, to Georgia, Persia, Armenia and Mesopotamia, while, for a long time after the council, the Bishop of Constantinople's jurisdiction remained within the limits which had contained the dioceses of Pontus, Asia and Thrace at the time of the council.<sup>1</sup>

We can reply to these points as follows:

1. Troitsky accepts that *βάρβαρος* or *βαρβαρικόν* in the canons is a geographical term and means an area governed by barbarians—in other words, the barbarian states stretching beyond the frontiers of the Roman

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1. S. TROITSKY, op. cit., pp. 34-35.



Empire—, and that it is clearly used in this sense in canon fifty two of Carthage: *διὰ τὸ εἰς τὰ τέλη τῆς Ἀφρικῆς κεῖσθαι αὐτὴν καὶ ὅτι τῷ βαρβαρικῷ παράκειται*. However, he curiously thinks that the same word when used in the plural, as in canon twenty eight, is an ethnological term.

This is probably a linguistic slip made as a result of an inadequate grasp of the Greek language, which has no such confusion of meaning when the same word changes from singular to plural, as in the case in point. It is the basic sense of the word or expression which counts, and this is not affected by whether it is used in the singular or plural. If τὸ βαρβαρικόν is a geographical term in the singular, it is the same in the plural. If it is ethnological in the singular, it remains so in the plural. While it can be geographical in meaning in one context and ethnological in another, it will keep the same meaning, whether it is in the singular or the plural. As Troitsky accepts that τὸ βαρβαρικόν is to be understood geographically in the canons, it is unreasonable of him to deny that the same word has the same meaning simply because it is used in the plural. A striking demonstration of this is Zonaras' interpretation, which is cited by Troitsky to support his argument that the meaning of the word alters in the plural: *ἡ Μαυριτανία κεῖται εἰς τὰ τέλη τῆς Ἀφρικῆς, καὶ τοῖς βαρβαρικοῖς παράκειται*.<sup>1</sup>

2. If we bear in mind that only the adjective βαρβαρικοῖς is to be found in canon twenty eight, and not the noun, and that there is a close connection between this canon and canon two of Constantinople, where the expression *ἐν τοῖς βαρβαρικοῖς ἔθνεσι* appears (canon twenty eight refers to canon two of Constantinople) it appears that the word ἔθνεσι is to be understood in the Chalcedonian canon.

Yet if this is the intention, there is no reason why the compilers of the canon should have omitted the noun, since it is known that the terms βαρβαρικῶ and βαρβαρικοῖς are customarily used without qualification. Further, if some defining noun is to be inferred, why should it be ἔθνεσι and not μέρεσι? It is true that the canon of 381 uses the expression *ἐν τοῖς βαρβαρικοῖς ἔθνεσι*, yet how should the term ἔθνος be understood here?

a) In the thirty-fourth Apostolic canon we read: *τοὺς ἐπισκόπους ἐκάστου ἔθνους εἰδέναι χρὴ τὸν ἐν αὐτοῖς πρῶτον*. According to nearly all scholars ἔθνος here means ecclesiastical area or province—in other words it indicates a *place*.

b) St. John Chrysostom in his eleventh homily on the Epistle to

1. G. RHALLS and M. POTLES, *op. cit.*, II, p. 431.

the Ephesians refers to *περιοδεύται* and *εὐαγγελισταί* who did not have a fixed area for their evangelical activity, but were continually moving from place to place, and goes on to speak of pastors and teachers *τοὺς δόκληρον ἐμπιστευομένους ἔθνος*. *ἔθνος* here refers to a place.<sup>1</sup>

c) Socrates in his *Ecclesiastical History* refers to *Ἰλλυριῶν ἔθνη* meaning *provinces* of Illyria.<sup>2</sup>

d) Sozomen uses it in the same sense: *τὰ δὲ παρ' ἐκάστην συμβαίνοντα τὴν τοῦ ἔθνους σύνοδον* . . . and elsewhere *δικαστὰς εἶναι τοὺς ὁρθῶς δοξάζοντας ἐν τῷ ἔθνει ἐπισκόπους καὶ ἐκ τῶν πέλας ἐπαρχιῶν*.<sup>3</sup>

e) The word must also be taken to have this sense in canon two of Constantinople, which mentions those churches in barbarian areas outside the Empire,<sup>4</sup> in other words churches among peoples as yet unchristianized, possessing barbarous customs, unacquainted with either the Greek language or Greek civilization "where perhaps there are not many bishops, insufficient for a synod,"<sup>5</sup> so that their affairs could be administered by the local synod as the Council of Nicaea prescribed. The Fathers of Constantinople supplemented canons six and seven of Nicaea, which fixed the areas which were to be under the Bishops of Rome, Alexandria, Antioch and Jerusalem, by forbidding these bishops and those bishops of the dioceses of Pontus, Asia and Thrace who remained outside the jurisdiction of these thrones and administered their churches autonomously from having any jurisdiction beyond the provinces belonging to them, or from travelling to churches beyond the borders of their jurisdiction. One exception was made for the churches of God *ἐν τοῖς βαρβαρικοῖς ἔθνεσιν*, the needs of which were henceforth to be provided for "according to the custom of the Fathers which has prevailed," in other words the council allows as an exception and by way of oeconomy when necessary, even if it is against the canons, the bishops there to go from one area to another, so as to strengthen those accepting the faith, as Zonaras and Balsamon point out.<sup>6</sup>

1. PG LXII, 82 b.

2. SOCRATES, *Eccl. Hist.* V, 6, PG XLVII, 572.

3. SOZOMEN, *Eccl. Hist.* VII, 9, PG XLVII, 1436.

4. C. HEFELE and H. LECLERCQ, *op. cit.*, II, p. 24. L. DUCHESNE, *op. cit.*, II, p. 457.

5. G. RHALLER and M. POTLES, *op. cit.*, II, p. 170.

6. G. RHALLER and M. POTLES, *op. cit.*, II, pp. 170-171.

Some of the Russian canon lawyers (such as Troitsky, Polsky and others) wrongly believe that the last paragraph of the second canon of the Council of Constantinople allows free missionary activity to all the churches in any area, in accordance with Christ's

Canon eight of the Council of Ephesus repeats this prohibition:

So that none of the most religious bishops may invade another province which was not originally under his hand or that of his predecessor. But if any has so invaded, and has put it by force under himself, he is to restore it.<sup>1</sup>

command. Even if we overlook the fact that this canon's special provision dealing with "the churches of God which are among the barbarians" was amended by canon 28 of Chalcedon, which made all these churches subject to the Bishop of Constantinople, this paragraph still lends not the slightest support to the view that all the churches have such a prerogative. According to Zonaras and Balsamon, the canon does not provide all bishops irrespectively with the right of operating extra-territorially in the "churches that are among the barbarians." The right is given to *the bishops that are there in those churches*, according to Zonaras; in other words to those who have their bishoprics in those areas, and according to Balsamon this is a privilege granted *in spite of the canons*, as an exception and oeconomy in extreme cases.

These scholars start from what they see as the simple, unobjectionable and incontrovertible hypothesis that "the autocephalous national churches are obliged to set up missions, parishes and provinces outside their jurisdictional areas at their discretion, under their immediate direction and in the territories of other orthodox churches, with their permission" (M. POLSKY, *Η κανονική θέσις τῆς ἀνωτάτης ἐκκλησιαστικῆς ἀρχῆς ἐν τῇ Σοβιετικῇ Ρωσίᾳ καὶ τῷ ἐξωτερικῷ*, 1948, 185), a hypothesis which is in reality a direct contradiction of the oecumenical tradition of the Church. They do not have the courage to confess that they are led willy-nilly to the absurd conclusion that each autocephalous and national church is merely an extension of the nation, or rather of the state. Nor do they admit that they believe that church organization is based not on the principle of the local church, but on national principles; that the Orthodox Church is in their view a federation or mere association of national churches whose mutual relations are understood by analogy with the relations between sovereign states; i.e. based on the principles of "non-intervention," of the "defence of sovereign rights" etc. and on the theory that a subject of any state preserves his citizenship when he is outside his state. Consequently the members of each national church, wherever they may be, are subject to their own church alone, by analogy with the tenets of international law. However, as A. Schmemmann rightly points out, the Church is not a federation of "independent units" but an organization both human and divine, based on the sharing of all its members in Christ Jesus. Its unity comes from above, from Christ, not from below, from men. The present spectacle of autocephaly is regrettable, construed and conceived as it is purely from a legal point of view, as an arrogant means of self-centredness on the part of independently orientated churches. Even more regrettable is the fact that the principles of international law are invoked and applied in the relations between churches, rather than the holy canons. All this bears witness to the gradual transformation of purely ecclesiastical ideas into secular, national forms by making ecclesiastical theory subject to national values (A. SCHEMANN, 'Tserkov i tserkovnoje oustrojstvo,' in *Messenger de l'Exarchat du Patriarche russe en Europe occidentale* XVII, March 1949, 15).

1. G. RHALLS and M. POTLES, op. cit., II, p. 203.

At the Council of Ephesus, an oral declaration was made by the bishops of Cyprus, and a written protest was submitted against the Bishop of Antioch, who, on the basis of the secular dependence of the island upon Antioch, held consecrations there, thus violating Cyprus' ancient right of freely electing and appointing its bishops. To right these grievances, the Fathers of the Council of Ephesus safeguarded the independence of the Church of Cyprus, and issued this prohibition, so as to prevent similar uncanonical extraterritorial acts.<sup>1</sup>

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1. Meletius Metaxakes, Patriarch of Alexandria, made use of these two canons when he censured the bishops of the Russian Orthodox Church in Exile for having become involved in episcopal jurisdictions lying outside the boundaries of the Russian Church. His letter of 22nd June/5th July, 1927 (no. 1551) to Metropolitan Antony and his group of bishops, published in *Πάρις* 1927, pp. 514-516, is here translated in its entirety, because of its exceptional importance:

"MELETIUS, by the Grace of God Pope and Patriarch of the Great City of Alexandria and of all the land of Egypt,  
 "To His Eminence Antony, Metropolitan of Kiev and to the Russian bishops who are with him, greetings in the Lord.

"Considering the letters and encyclicals of the 28th of August 1926 of Your Eminence and the bishops who are with you in Karlovci, which refer to your dispute with the Most Reverend Metropolitan Evlogi who is now living in Paris, and bearing in mind the measures you have taken against him, and also taking into consideration both the letters of the Most Reverend Metropolitan Evlogi himself, who submitted the matter to our judgement, and the letters of other Russian bishops on the same question, we submitted all of them to deliberation in our holy synod. Keeping the holy canons before our eyes as a criterion provided by God, we applied ourselves to settle these two questions:

"1. What, on the criterion of the Apostolic and conciliar canons, is your position as Russian bishops meeting at Karlovci and purporting to be a synod administering Russian Orthodox Christians throughout the world, beyond the frontiers of Russia?

"2. What is the canonical authority of the administrative and judicial decisions you took concerning Metropolitan Evlogi?

"Since 1919, the Holy Church of Christ in Russia has with God's permission lived a truly tragic life, as a result of which many of its pastors have been separated from their flocks and been persecuted, and are now outside the boundaries not just of their provinces but of the Russian Church. After a number of halts in various places, where they experienced examples of brotherly sympathy from their fellow bishops and brothers in Christ, they took refuge abroad. They finally came together in Karlovci in Yugoslavia, in territory under the canonical jurisdiction of His Beatitude the Patriarch of Serbia. At the start you presented yourselves in the form of an episcopal assembly, but gradually you developed into an episcopal synod of the Russian Church beyond the borders of Russia.

"But, beloved brethren, is an orthodox church 'beyond the borders,' with a synod to administer it, conceivable? Where in the canons did you read the term

When the Council of Chalcedon outlined Constantinople's jurisdictional limits, it put under his control the formerly autonomous diocese-

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*ὑπερὸς ἐκκλησίᾳ* (church beyond the borders) in the sense in which you use it? Because from the canons and the long practice of the Church we are only aware of the term *ὅρια ἐκκλησιῶν* (boundaries of churches) and of commands of inspired fathers 'not to remove eternal boundaries set by our fathers,' and of threats in the holy canons against those who dare 'to perform ordinations beyond their own boundaries' (35th Apostolic canon).

"The term 'church beyond the borders' certainly appears in the canons, but only to condemn your innovation, as we read in the second canon of the second Oecumenical Council:

" 'The bishops outside a diocese must not enter churches beyond their borders . . . Bishops are not to go beyond their diocese to perform ordinations or any other ecclesiastical functions. Observing the afore-mentioned canon which refers to the dioceses, it is evident that the synod of the province administers each province, as was fixed at Nicaea.' This canon prevents you as bishops of the Church in Russia from intervening as a canonical synod in episcopal jurisdictions lying beyond the borders of your church.

"Nowhere in ecclesiastical history can we find mention of bishops who no longer have episcopal functions — which is precisely the canonical position of all of you Russian bishops assembled at Karlovci — coming together to form an ecclesiastical authority. The 16th canon of the Council of Antioch prevents such bishops, on pain of being unfrocked, from encroaching upon episcopal prerogatives 'without a proper synod.' Yet you have awarded synodical powers to yourselves. Even the Patriarchs of Constantinople and Antioch and the others are only held to exercise what pertains to their power within the boundaries of their jurisdiction, defined geographically. Yet you, bishops who no longer have episcopal functions, have prescribed for yourselves a synodical jurisdiction extending over five continents.

"We hear that to support your innovation you invoke the 39th canon of the sixth Oecumenical Council. But does it really support you? In this canon, the Archbishop of Cyprus John had during the reign of Justinian II abandoned his province because of barbarian incursions and had fled with his people to the shores of the Hellespont. And since the third Oecumenical Council had recognized that he was privileged with being autocephalous, he considered he was entitled to keep his autocephaly even in exile. But the Fathers of the Oecumenical Council held a very strict view of the geographical boundaries of each church and for this reason they ceded John a specific area in which to exercise his power, and obliged the Metropolitan of Cyzicus who had formerly held jurisdiction over the area 'to be subject to the President of the afore-mentioned Justinianopolis, following all the other bishops under the said God-beloved Archbishop John.' The canon is clearly seeking to preserve the autocephaly of the entirely expatriate Church of Cyprus. This is however entirely different from the situation of those in Karlovci, who were not exiled as the Synod of Russia, nor is their pastoral mission directed towards the entire clergy and people of the Church in Russia. Yet apart from this, even if there were a case here for applying this canon, it ought to have been applied in its own spirit. That is to say the Patriarch of Serbia

ces of Pontus, Asia and Thrace. The council also gave Constantinople jurisdiction over the churches which it distinguished with the general term ἐν τοῖς βαρβαρικοῖς, without the specific ἔθνεσιν, thus aiming to indicate broadly all the barbarian churches lying beyond the frontiers of the Empire.<sup>1</sup>

could have provided Metropolitan Antony of Kiev with the whole of Sirmia including its capital Karlovci, so as to establish there, by a decision of his synod, the Russian bishops who no longer have episcopal functions together with the clergy and people exiled from Russia, and so as to organize them into a 'provincial' synod subject to himself, restricting their activity to this local jurisdiction within the boundaries of the Serbian Church.

"Thus, Brethren, according to the canons and ancient practice, your assembly has no status, and you must yourselves dissolve it as a demonstration of respect for the Orthodox system of church government which has prevailed throughout the centuries, which when it is disturbed causes everything to become confusion and disorder, and 'a shaking of the head amongst the people.' For if we recognize a 'Russian Church beyond the borders' of Russia — in exile, in other words — we must also recognize a Greek Church in exile, a Serbian Church in exile, a Rumanian, an Albanian, a Syrian, a Polish, a Ukrainian, a Palestinian and an Egyptian — in fact churches in exile beyond their borders wherever there are churches within their borders. No one can deny that this would be a disaster for Orthodoxy.

"Given all this, we have deliberated on your letters and those of Evlogi with our holy synod, and placing the interests of the whole Church above any persons or parties, we have resolved the following, which we communicate to you and Evlogi:

"1. The so-called 'Episcopal Synod of the Russian Orthodox Church in Exile' established in Karlovci by Metropolitan Antony of Kiev is uncanonical, as it contravenes the Apostolic and conciliar canons and the practice of the Church.

"2. His Beatitude the Patriarch of Serbia is entitled to recognize the Russian metropolitans and bishops as having the right to teach and celebrate within Serbian territory, but there alone.

"3. (These bishops) have no power to consecrate or install bishops in the barbarian lands or in general outside Russia in provinces canonically subject to the Oecumenical Patriarchate such as Europe, where there is already a legally established canonical episcopal authority.

"4. (The so-called synod) has no right to call the Metropolitan Evlogi to defend himself, or to try or condemn him. He is subject to the synod of the area (where he is residing).

"Metropolitan Evlogi was installed uncanonically in Paris, where another Orthodox bishop was already canonically installed.

"This is what we have decided; may the Grace of the Holy Ghost enlighten you and guide you in the way of ecclesiastical order,

"Your brother in Christ, (Meletius) of Alexandria."

1. DU CANGE, *Glossarium* pp. 175-176. E. A. SOPHOCLES, 'βαρβαρικόν,' in *Greek Lexicon of the Roman and Byzantine periods*, Boston 1870. J. C. SUICERI, 'Βάρβαρος' in *Thesaurus ecclesiasticus*, I, ed. III, 1746, who says that "canon 28 of Chal-

3. In canon twenty eight of Chalcedon, after the phrase *τοὺς ἐν τοῖς βαρβαρικοῖς ἐπισκόπους*, the words *τῶν προειρημένων διοικήσεων* immediately follow. Troitsky concludes from this that even if it is still supposed that *βαρβαρικοῖς* is topographical and means an area occupied by barbarians, the sense is restricted to an area subject to the jurisdiction of the three dioceses.

Yet what connection is there between the words *τῶν προειρημένων διοικήσεων* and the preceding phrase *τοὺς ἐν τοῖς βαρβαρικοῖς ἐπισκόπους*? Is it connected with *τοῖς βαρβαρικοῖς* or with *ἐπισκόπους*? There is no doubt whatsoever that it is to be taken with *ἐπισκόπους*. If the opposite were true, the word *ἐπισκόπους* would have to precede *βαρβαρικοῖς*.

In any case, with whichever word the phrase is taken, and however the churches mentioned be understood—either as lying beyond the boundaries of the three dioceses, or consisting of the diaspora within them—the canon is clearly referring to churches beyond the frontiers of the Empire. It says:

ἔτι δὲ καὶ τοὺς ἐν τοῖς βαρβαρικοῖς ἐπισκόπους τῶν προειρημένων διοικήσεων χειροτονεῖσθαι ὑπὸ τοῦ προειρημένου ἀγιωτάτου θρόνου τῆς κατὰ τὴν Κωνσταντινούπολιν ἀγιωτάτης ἐκκλησίας.

Constantinople was thus not to consecrate the bishops in the barbarian areas within the three dioceses, but those beyond their borders, because if these bishops of the barbarian areas or peoples were within the territory of the three dioceses, then the canon unquestionably prescribes that the metropolitans of the dioceses and not the Bishop of Constantinople had the prerogative of consecrating them. Under the canon, Constantinople only consecrated the metropolitans of these three dioceses, and it was the metropolitan together with the bishops of his province who consecrated new bishops for that province, "as has been declared by the holy canons"—as defined, in other words, by canon four of Nicaea.

4. In fact, the Byzantine canonists and some of the modern canon lawyers such as N. Milas and Thomassin take the term *βαρβαρικοῖς* to mean the barbarian peoples, and of them only those subject to the juris-

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cedon's expression in *barbarico episcopi* (οἱ ἐν τοῖς βαρβαρικοῖς ἐπίσκοποι) means those bishops who are situated in the country or territory of the barbarians." The *Pedalion*, 1957, p. 209 says: "but also the bishops who are in the barbarian places adjacent to the said dioceses . . ." (*Pedalion*), 1789, p. 105. KORMTSAJA: "Takojdei sustsii v varvarskih zenliah episcopi."

diction of the three dioceses. We should, however, remember firstly that most modern historians take the word *βαρβαρος* to designate area, and secondly the justification made by the Byzantine canonists to explain their restricted interpretation: Zonaras stresses: "The other dioceses, i.e. Macedonia and Thessaly, Hellas and Peloponese, and what is called Epirus and Illyricum, were then subject to the Bishop of Old Rome." <sup>1</sup> Aristenus writes: "The administration of Macedonia, Illyria, Thessaly, Attica, Peloponese and the whole of Epirus were then subject to the Bishop of Rome." <sup>2</sup>

In canon twenty eight, the Council of Chalcedon placed the three dioceses of Pontus, Asia and Thrace and their diaspora under the Bishop of Constantinople, but certainly did not restrict the prerogatives of the other autocephalous churches. Prerogatives were granted to the throne of Constantinople, not so that he might encroach upon other bishops' ecclesiastical spheres and jurisdiction, but so that he should be entitled to consecrate bishops in all the then barbarian areas of Central and Northern Europe, as far as Rome's jurisdictional limits.

I shall sum up my treatment of Chalcedon's canonical legacy by concluding that the canons promulgated by the council prove the following:

- a) The Church of Constantinople held first place ecclesiastically in the East, and its administrative and judicial jurisdiction was very broad and continued to expand.
- b) All areas lying outside the limits of any specific ecclesiastical jurisdiction are subject ecclesiastically to the Bishop of Constantinople.
- c) In this capacity, the throne of Constantinople hears appeals even from clergy belonging to ecclesiastical regions beyond its jurisdictional area. <sup>3</sup>

The Chalcedonian enactments were ratified by the sixth Oecumenical Council, the Council in Trullo of 680-1, which in its thirty-sixth canon prescribed:

1. G. RHALLS and M. POTLES, *op. cit.*, II, pp. 283-284.

2. *Ibid.* II, 286.

3. GENNADIUS of Heliopolis and Thira, 'Τὰ ἰδιαίτερα δικαιώματα τοῦ Οἰκουμενικοῦ Πατριαρχείου καὶ ἡ θέσις αὐτοῦ ἐναντι τῶν ἄλλων Ὁρθόδοξων Ἐκκλησιῶν,' *Ὁρθοδοξία* 1931, 404. C. HEFELE and H. LECLERCQ, *op. cit.*, I, p. 521. M. JUGIE *op. cit.*, p. 20. L. DUCHESNE, *op. cit.*, II, p. 437. Hieromoine Pierre, 'Notes d'ecclésiologie orthodoxe,' in *Irenikon* 1933, 124. A. VASILIEV, *History of the Byzantine Empire*, p. 106. TH. USPENSKY, *Byzantine Empire* I, 176 (in Russian). Archim. KALLISTOS, 'Ὁ Θρόνος Κωνσταντινουπόλεως καὶ τὰ δίκαια καὶ προνόμια αὐτοῦ,' X, 15.



Ἀνανεούμενοι τὰ παρὰ τῶν ἑκατὸν πενήκοντα ἁγίων πατέρων, τῶν ἐν τῇ θεοφυλάκτῳ ταύτῃ βασιλίδι πόλει συνελθόντων καὶ τῶν ἑξακοσίων τριάκοντα τῶν ἐν Χαλκηδόνι συναθροισθέντων, νομοθετηθέντα, ὥστε τὸν Κωνσταντινουπόλεως θρόνον τῶν ἴσων ἀπολαύειν πρεσβείων τοῦ τῆς πρεσβυτέρας Ῥώμης θρόνου καὶ ἐν τοῖς ἐκκλησιαστικοῖς, ὡς ἐκεῖνον, μεγαλύνεσθαι πράγμασι, δεύτερον μετ' ἐκεῖνον ὑπάρχοντα, μεθ' ὃν ὁ τῆς Ἀλεξανδρέων μεγαλοπόλεως ἀριθμείσθω θρόνος, εἴτα ὁ Ἀντιοχείας, καὶ μετὰ τοῦτον, ὁ τῆς Ἱεροσολυμιτῶν πόλεως.<sup>1</sup>

Renewing the decrees of the hundred and fifty holy Fathers who met in this God-protected and imperial city and of the six hundred and thirty who met in Chalcedon, we prescribe that the throne of Constantinople is to enjoy prerogatives equal to those of the throne of Old Rome and that it is to be magnified like the latter in ecclesiastical matters as it is second after the Roman throne. After Constantinople is to be numbered the throne of the great city of the Alexandrians, then the throne of Antioch, and after the latter throne the throne of the city of the Jerusalemites.

This canon elucidates only the privileges of the throne of Constantinople as against those of the Bishop of Rome. It is less specific about the other thrones (witness the last sentence). It is thus clear that the council wished to specify some special, greater prerogatives for the thrones of Rome and New Rome as against the others. The canon does not mention anything about the three thrones of Alexandria, Antioch and Jerusalem being equal to Rome and Constantinople. Neither does it mention their jurisdictional dependence upon Rome or Constantinople, nor the *de facto* subordination of Alexandria, Antioch and Jerusalem to the other two thrones. The canon simply fixes the privileges of Rome and Constantinople, basing these on the political importance of the two cities. Only on this basis should the see of Jerusalem occupy the last position, Antioch the fourth and Alexandria the third. On this basis, it becomes irrelevant whether Jerusalem has a claim to be recognized as the capital of Christendom by virtue of having been the centre of Christ's life and activity, or whether Antioch can make a claim to be the second city after Jerusalem because of the antiquity of the Christian Church there, and because the first chief of the Apostles actively participated in its life. When the canon lists the sees, it begins with Rome as the old capital of the Empire, which

1. G. RHALLS and M. POTLES, *op. cit.*, II, p. 387. The 28th canon's theories on the prerogatives of honour were indirectly accepted by the Council of Constantinople of 869-870 and by the council which met in the Hagia Sophia in Constantinople in 879, in the presence of Papal Legates.

is followed by Constantinople as the new capital, followed by Alexandria in third position, placed above all others because of the great importance of the city. In the same way, the canon preserves the order of numbering and relative importance of the older or patriarchal thrones fixed by Chalcedon by confirming the privileges of the Constantinopolitan throne in relation to those of Rome. It distinguishes these two sees from the other three in the influence they wield in Church affairs. It does not, however, make the other patriarchal thrones subject to them, but places the three over the other thrones of the Christian Church in the same way. The theory expressed in canon thirty six of the Council in Trullo about the order of numbering the five patriarchal thrones in the Christian Church is in fact the canonical principle behind the status of the bishops concerned. According to this principle, the Bishops of Rome and Constantinople, ranking equal as far as the privileges of their thrones are concerned, appear as leading figures influential in matters of ecclesiastical administration.<sup>1</sup>

Consequently the Council of Chalcedon in canon twenty eight does not –even in simpler terminology –merely reiterate the third canon of 381, but legalizes and codifies a *de facto* existing ecclesiastical situation, giving it new meaning. That it was not in fact a mere ratification of canon three of Constantinople is made clear by the modifications it puts forward: while canon three of Constantinople awards the Bishop of Constantinople *πρεσβεῖα τιμῆς*, canon twenty eight omits the word *τιμῆς* and awards the Bishop of Constantinople *ἴσα πρεσβεῖα* to those enjoyed by Rome; while the Constantinopolitan canon contains merely a hint of the political factor, Chalcedon mentions it quite specifically; finally, the Constantinopolitan canon stresses Constantinople's moral supremacy, while canon twenty eight legally defines his patriarchal jurisdiction over the churches of the three dioceses and amongst the barbarians. Canon twenty eight was not a mere ratification of canon three of 381; it was the legal establishment of the Patriarchate of Constantinople; the precise legal recognition of its bishop as the first in the East and the second after Rome in the entire ecclesiastical hierarchy.<sup>2</sup>

In spite of this innovation, the Council of Chalcedon did conform with the two earlier Oecumenical Councils of Nicaea and Constantinople in that it did not recognize the Apostolicity of the Church of Rome as giv-

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1. T. BARSOV, 'O kanonitseskom elementje v tserkovnom upravlenii,' in *Pravoslavnoje Obozrenije* III, 1882, 58-61.

2. MONACHINO, op. cit., 1952, 543-544.

ing it any prerogative over the other churches; Apostolicity only resulted in unofficial moral authority.

Father Alexander Schmemmann writes pertinently:

The recognition of the primacy of the Church of Rome is a fact confessed by all the Fathers and all the councils. Only polemic can deny the historical reality that the West finds in the Apostle Peter and which the East also finds in the same way. For the East, however, the main consideration is the fact that "it is the imperial city;" political considerations, in other words, which the East applies equally to New Rome when it accords its bishop equality of honour with that of Old Rome. What has happened, however, is that Roman Catholic historians and theologians have interpreted this witness differently, using legal definitions, while the Orthodox have systematically debased the value of these definitions. Orthodox theology is still awaiting a practical evaluation of the true place of Rome in the history of the first millenium; an evaluation completely free from polemical and apologetic arguments.<sup>1</sup>

So Chalcedon's innovation essentially lies in interpreting canon six of Nicaea, and it was this which brought about the whole familiar struggle between East and West. It is to be greatly regretted that right from the start, as we have seen, the West reacted strongly against the authority of this canon, claiming that it overthrew the old ecclesiastical customs which were to remain unchanged for ever. Pope Leo supported this position in a series of letters to Marcian, Pulcheria and Anatolius, even invoking the theory of the *Decretum Gelasianum* on the order of the three

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1. A. SCHMEMMANN, 'La notion de primauté dans l'ecclésiologie orthodoxe,' in *La primauté de Pierre dans l'Eglise orthodoxe*, pp. 141, 142. The Archbishop of Thyatira comments on Father Schmemmann's opinion: "Unquestionably this point of view deserves close and careful study. Nevertheless, even though polemic has become involved in assessing the position of the Church of Rome amongst the hierarchs of the Church, not even the most indulgent student of the historical facts will be able to agree that the Church of Rome today occupies roughly the position allowed it in the hierarchical order of the Church by the history of the first Christian centuries. Proof of this can be seen in Gregory the Great's protests to the bishops of the East over the use of the title *oecumenical* in reference to the Patriarch of Constantinople, and in the way Pope Paul VI's thought continually comes back to his infallibility and his position as 'Bishop of the universal Church,' successor of Peter and Vicar of Christ, so as to support absolute Papal authority, which is being assailed from all sides in the West. Further proof is to be found throughout the book of Cardinal Suenens, *Corresponsibility in the Church*. What other status do the bishops hold when one of them is the *Bishop* of the universal Church? Do they not become his assistants? Is this not what Pope Gregory the Great was fighting against?" (ΑΓΓΕΛΟΣ ΝΑΓΟΡΑΣ, Archbishop of Thyatira and Great Britain, *Τὸ ἀντιπρόσωπον ἐν τῇ Διοικήσει τῆς Ἐκκλησίας*, pp. 17-18).

Churches of Rome, Alexandria and Antioch as Apostolic sees. Nevertheless, Leo certainly recognized that Apostolicity from Peter, which he wished to make the sole criterion for primacy, was not conclusive for all. For this reason, he preferred not to base the crux of his argument on it.<sup>1</sup>

This opposition could not check the force of events. The Bishop of Constantinople had exercised from the end of the fourth century the power which canon twenty eight recognized as his legal prerogative with no opposition from anyone in the East, not even from the Bishops of Alexandria or Antioch, whose prerogatives were significantly reduced during the course of the fifth and sixth centuries. Yet unhappily the gulf between the two sister churches continued to grow wider and led the Christian world to irreparable disaster. Without question, the churches of the East concentrate their aspirations in New Rome, which has their support and inspires them in the hard struggles against heresy.<sup>2</sup>

#### *The Theory of the Pentarchy of Patriarchs.*

The canonical principle given expression in canons twenty eight of Chalcedon and thirty six of the Council in Trullo and the privileged status they propound for the Bishop of Constantinople contradict, it has been suggested, the theory developed in the East of the pentarchy of patriarchs.

The essence of this theory lies in the fact that all the four divisions of the civilized world are divided between the five patriarchs; in the Church of Christ there can be neither more nor less than five, just as there are

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1. As Meyendorff rightly points out, many of the Roman Catholic historians show the greatest possible objectivity on this point, and recognize this reserve on Pope Leo's part (JUGIE, op. cit., pp. 16-19. WUYTS, op. cit., *Or. Chr. Per.* 1951, 265-282. HERMAN in GRILLMEIER-BACHT, op. cit., II, 459-489). They go as far as the point where we have to admit that either the Pope did not see a denial of the Roman primacy by divine right in the text of canon 28 (JUGIE, p. 17), or that this denial had not really been implied in the canon (HERMAN, 470-472). Interestingly this latter view was put forward in Pope Pius XII's encyclical *Sempiternus rex* of the 8th September 1951: "... Ibidem nihil contra divinum jurisdictionis primatum, qui quidem pro explorato habebatur, actum esset..." (in HERMAN, p. 467, n. 18). Leo's position is in any case clear. Being conscious of the power he held from St. Peter, he did not wish to look for the origin of the Apostolic churches' jurisdictional power other than in conciliar resolutions. Hence his insistence on the canons of Nicaea (MEYENDORFF, op. cit., pp. 72-73).

2. POLAKES, op. cit., p. 105.

only five senses in the human body. Yet what is the origin of this theory? This is a subject still being debated among scholars.

Pheidas believes that the pentarchy of patriarchs was formed as an institution by the administrative resolutions of the Council of Chalcedon, on the basis of the principle that supra-metropolitan or patriarchal jurisdiction in the prerogative of consecrating and judging bishops could only be exercised canonically by those thrones which were canonically distinguished by special prerogatives of honour: in other words, Rome, Constantinople, Alexandria, Antioch and Jerusalem. On the basis of this principle, custom had established the administrative jurisdiction of each of these thrones before Chalcedon, and this jurisdiction was even exercised in practice. As a result, the pentarchy did not run into serious difficulties when it was applied. In the Council of Chalcedon itself the pentarchy of patriarchs functioned in practice, because, although the council may have been convoked on the basis of the metropolitan system, it was made up and carried out its business on the basis of the patriarchal system, which was in the process of being formed. Thus members of the council sat on the right and left of the imperial representatives, in accordance with their relation to the most important bishops and the position of the patriarch who customarily exercised administrative jurisdiction over them.<sup>1</sup>

Yet there are those who point out that the canons of Chalcedon do not confront specifically the question of introducing a new institution into the Church's administration, but rather regularize long existing problems involving the extent of administrative jurisdiction of only some of the thrones (Constantinople, Antioch and Jerusalem).

There are scholars who maintain, on the other hand, that the relation of Chalcedon's canons to the pentarchy of patriarchs as an institution must not be sought in the letter of the canons, but in the spirit prevailing when they were promulgated, which closely connects the pentarchy of patriarchs as an institution with the Council of Chalcedon.<sup>2</sup>

I do not intend here to go into the details of the serious disagreements that exist on the premisses, on the way the pentarchy came about as an institution and on when this occurred, as it would be far removed, I believe, from the purpose of this book. I shall restrict myself

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1. B. PHEIDAS, "*Ιστορικοκανονικά προβλήματα περί την λειτουργίαν τοῦ θεσμοῦ τῆς Πενταρχίας τῶν Πατριarchῶν*", p. 69. In this outstanding article, Pheidas analyses all the problems involved in the theory of the pentarchy.

2. *Ibid.* p. 22.

to saying that in the view of most scholars—in particular Roman Catholic Church historians—the pentarchy was not born out of the historical needs of the Church, nor was it developed on the basis of ecclesiological or canonical criteria. It was rather introduced later, either as an Eastern reaction against Papal supremacy,<sup>1</sup> or by Justinian, and was thus a creation of the state only later recognized by the Church and invested with canonical authority.<sup>2</sup>

Even some Eastern Orthodox historians have arrived at an opinion similar to these. Stephanides writes:

The theory that the five patriarchs form the supreme ecclesiastical authority was developed gradually from the sixth century onwards (from Justinian onwards, that is) and tended to replace the importance of *all* the bishops with the importance of the five patriarchs.<sup>3</sup>

Konidares accepts that:

The pentarchy was completed by the elevation of the Bishop of Jerusalem as a fifth patriarch at Chalcedon.<sup>4</sup>

Chrysos maintains that:

The theory of the five patriarchal thrones was certainly older. The *Acta* of the great councils of the fifth century show that the pentarchy was already part of the consciousness of the Church of the East. But Justinian transferred this theory from being customary law of ecclesiastical tradition to an institution of the Church (and of the State) and confirmed it as such with laws. Thus Justinian's first proposal was also the first practical application by the state of an older ecclesiastical idea.<sup>5</sup>

1. M. JUGIE, *Theologia Dogmatica Christianorum Orientalium ab Ecclesia Catholica dissidentium*, I, 1926, p. 72, II, 1931, p. 451. HERGENRÖTHER, *op. cit.*, II, p. 132. R. VANCOURT, 'Patriarches,' in DTC XI, col. 229. F. HEILER, *Altkirchliche Autonomie und päpstlicher Zentralismus*, p. 310. A. MICHEL, *Der Kampf um das politische oder petrinische Prinzip der Kirchenführung*, in GRILLMEIER-BAGHT, *op. cit.*, II, p. 547 f.

2. F. DVORNIK, *The Idea of Apostolicity in Byzantium and the Legend of the Apostle Andrew*, pp. 266-267, and *Byzance et la primauté romaine*, pp. 66-67.

3. B. STEPHANIDES, 'Εκκλ. 'Ιστ., p. 358.

4. G. KONIDARES, 'Η θεωρία τῆς Πενταρχίας τῶν Πατριαρχῶν καὶ τοῦ πρωτεύοντος αὐτῶν εἰς τὰς Notitias Episcopatum,' offprint from *Παρολειπόμενα Πανηγυρικοῦ Τόμου τῆς χιλιοετηρίδος τῆς βιβλιοθήκης τοῦ πατριαρχείου Ἀλεξανδρείας*, p. 4, n. 11.

5. E. CHRYSOS, 'Η Ἐκκλησιαστικὴ πολιτικὴ τοῦ Ἰουστινιανοῦ, p. 98. B. PHEIDAS (*op. cit.*, pp. 8-9, nn. 3, 4 & 5) considers that the opinions of the three Orthodox historians mentioned above have undergone influence from the corresponding Roman Catholic theses. I do not, however, consider that coincidence necessarily means influence and dependence. Many different authors, starting from different premisses, arrive at the same conclusions when there can be no question of influence or depen-

In my opinion, the theory about pentarchy must be examined principally in conjunction with the claims of the Popes to have the Christian East under their power and in particular to hold absolute authority over the throne of Constantinople, and the full development of this theory must be attributed to a predisposition to attempt to give substance to the practical importance of the three Eastern patriarchs which had been destroyed.<sup>1</sup>

In their refusal to recognize the *πρεσβεία* of the Bishop of Constantinople, the Popes grounded their arguments principally on the fact that the see of Constantinople was not of Apostolic origin. The most important result of this was the Popes' reluctance to number the Constantinopolitan throne amongst the patriarchal sees, and their refusal to assent to the privileges the Council of Chalcedon awarded the Bishop of Constantinople. Popes Leo, Gelasius, Gregory the Great and Nicholas I recognized only the three sees founded either by Peter or his disciple Mark the Evangelist as possessing the patriarchal dignity, and excluded Constantinople, hardly mentioning Jerusalem at all.

Naturally, as the Popes attempted to develop their theory of the triad of patriarchal sees of Apostolic origin and impose it upon the Christian world, a contradictory theory was developed and propounded that the principle of proper ecclesiastical administration lay in a pentarchy of all the patriarchs. This theory, based on the thinking behind the *πρεσβεία* of the five patriarchal sees, was contained in the canons of the council which met in Constantinople in 869 to resolve the dispute between Ignatius and Photius.

From the spirit in which this council's deliberations were held, it has generally been concluded that the five patriarchal thrones have the prerogative of solving together the most important problems affecting the entire Church, a conclusion which also emerged in official communications. Thus the representative of Patriarch Theodosius of Jerusalem, the priest and *syncellus* Elias, pronouncing in favour of the case against Photius, asserted that the institution of the five patriarchs was of divine origin, and even had a pneumatological basis. He said:

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dence of the one upon the other. How else could we explain the case of the distinguished Russian historian and canon lawyer Barsov, who wrote around 1882, and as a result antedated all the Roman Catholic scholars mentioned above, other than Hergenröther? Are we to suppose that Hergenröther was the common source for all of them?

1. BARSOV, *op. cit.*, 1822, 60.

You all know that for this reason the Holy Ghost placed the patriarchal *heads* in the world, so that the scandals which spring up in the Church of God should be removed through them.<sup>1</sup>

The Metropolitan of Smyrna, Metrophanes, speaking at the beginning of the sixth session of the council and drawing on *Genesis* I, 14-15, compared the patriarchs with the lights of heaven:

God placed in the vault of the Church, like some great lights, the patriarchal *heads* to give light over all the earth, to govern day and night, and to separate light from darkness.<sup>2</sup>

The Emperor Basil, starting from the principle of the absolute power of the patriarchs in the Church, asked those present at the council:

Who can dissolve an act of four patriarchal thrones? To whom shall you who seek the dissolution of your bonds appeal, once you have been sentenced by these four thrones?<sup>3</sup>

During the debates with the supporters of Photius, the theory of pentarchy was stated with great clarity by the imperial official Baanes, who maintained that God founded His Church upon the five patriarchs, and fixed in His Gospel that they should never for any reason completely disappear, because they are the *heads* of the Church. Thus the words of the Gospel, "... and gates of hell shall not prevail against it," clearly show that if two of these heads fall, we must have recourse to the remaining three; if three fall, we must turn to the other two; if four, against all probability, are destroyed, then we must call upon the one which remains for ever over the head of all, Christ our God, Who will restore the rest of the body of the Church.<sup>4</sup>

Although in these three opinions, the importance of the five patriarchs is stressed by comparing them to the lights of heaven and calling them *heads* established by God Himself for the supreme government of the Church, in other writers these patriarchs are usually likened to the five senses of the human body, which often prefigure the Christian Church in the New Testament. Anastasius Bibliothecarius, a Latin writer who lived for a long time among Greeks, analyses the theory of the five patriarchs:

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1. J. MANSI, XVI, 318-319.

2. J. MANSI, XVI, 344.

3. J. MANSI, XVI, 356-357.

4. J. MANSI, XVI, 140-1.



Christ in His Body which is the Church established as many patriarchal thrones as there are senses in the mortal body of each man. If, and as long as, all these thrones are in concord, then throughout the whole body of the Church there will be no imperfection, just as the human body has no imperfection if all the five senses remain entire and in complete health.<sup>1</sup>

The comparison of the five patriarchs with the five senses is usual, particularly in the pronouncements of later writers on the number, power and importance of the patriarchs.

Peter, Patriarch of Antioch in the eleventh century, writing to the Archbishop of Aquileia Dominicus, who had not addressed him correctly as patriarch, writes:

It has nowhere been written that the President of Aquileia (that is Venice) is named patriarch; for we have observed that there are five patriarchs in the whole world, those of Rome, Constantinople, Alexandria, Antioch and Jerusalem. For as our body is regulated by five senses, so the Body of Christ, the Church of the faithful, is regulated by the five thrones as if by five senses.<sup>2</sup>

Theodore Balsamon, later Patriarch of Antioch, contributed greatly to the development of the theory of the pentarchy of patriarchs in his work entitled *Μελέτη, ἣν οὖν ἀπόκρισις χάριν τῶν πατριαρχικῶν προνομίων* (*Study, that is an answer in support of the patriarchal privileges*). It should be pointed out that he wrote this treatise to answer contemporary criticisms that the Patriarchs of Antioch and Jerusalem who "had not managed to enter their own churches to be enthroned" could not exercise episcopal power or enjoy patriarchal privileges. In particular, he applies himself to answering the questions:

Where did the essential *pentad* of the most holy patriarchs come from and how did it come about? To what privileges are they entitled? Is there any difference between them?

In his investigation of these problems, Balsamon's first consideration is the spiritual dignity of the patriarchal office, on the basis of which he attempts to show that patriarchs who live away from their sees against their will must enjoy the honours pertaining to their office. He described the origin of the patriarchal office as follows:

Before all the Patriarchs of the great city of God Antioch, it happened that Euodus of the Antiochenes was consecrated by the holy Apostle Peter. And a little while later, St. Mark was made Bishop of the Church of the Alexandrians

1. J. MANSI, XVI, 7.

2. G. RHALLÉS and M. POTLÉS, *op. cit.*, IV, p. 408-409.

by the same divine herald. St. James became Bishop of the Jerusalemites and St. Andrew Bishop of Thrace. After 300 years, St. Silvester, great among the fathers, was named Pope of the throne of Old Rome by the *isapostolos* (the term means *equal to the Apostles*) St. Constantine the Great, who had just become orthodox, as the God-beloved history and the other ecclesiastical histories relate. And the great throne of Constantinople, renowned in practice and in name, was subject to the Perinthians (Perinthus is Western Heraclea) and was governed by a bishop. For it was not called the Great City, or Constantinople; it was merely a small town called Byzantium. When divine and ineffable providence caused the sceptres of the Empire to be transferred from Old Rome to Byzantium as from a wild olive to a cultivated one, Metrophanes, who was at that time the incumbent of the church of that throne, was named Archbishop, rather than Bishop. It is for this reason that the first holy Oecumenical Council mentioned the four patriarchs — Rome, Alexandria, Antioch and Jerusalem — in canons six and seven, but made no mention of the Patriarch of Constantinople. The second holy Oecumenical Council, which did mention the throne of Constantinople as well, gave it the prerogatives of Old Rome, because, the council said, it is New Rome, as it declares in its second and third canons. So that the best use of good order should be kept for the heads of the churches, the holy Oecumenical Council which met in the domed building (*in Trullo*) of the great palace and is called the Quinisext Council decreed: "Renewing the decrees of the hundred and fifty holy Fathers who met in this God-protected and imperial city and of the six hundred and thirty who met in Chalcedon, we prescribe that the throne of Constantinople is to enjoy prerogatives equal to those of the throne of Old Rome and that it is to be magnified like the latter in ecclesiastical matters, as it is second after the Roman throne. After Constantinople is to be numbered the throne of the great city of the Alexandrians, then the throne of Antioch, and after the latter throne the throne of the city of the Jerusalemites."<sup>1</sup> As a result, in accordance with the prescription of this canon, the great bishops of the five most holy thrones have been revered from that day until now throughout the *oecumene*. The rightful excision of the Pope of Old Rome from the churches has not adversely affected canonical order. In spite of this, the first does not lord it over the second, nor the second over the third. Rather, numbered as the five senses in the head and not divided, they are reckoned by the Christian people to have equality in all things. They are rightly called heads of the holy churches of God throughout the *oecumene* and they do not suffer the differences which beset humans. Not even in the most minute detail does the Pope of Rome show indignation because his initial letter 'P' places him third in alphabetical order, the Bishop of Constantinople being in this respect honoured before him. Nor is there any cause for scandal between the Bishops of Alexandria and Antioch over the initial letter 'A', as if both of them had appropriated the primacy. But just as the pentad of the senses conforms to the plan of the architect and fashioner, God, and sight does not impinge

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1. According to Balsamon, patriarchal power is derived from St. Peter who established the first bishops in the most ancient cities mentioned above. The extent to which his opinion is correct can be gauged by what I have written so far.

upon smell, nor hearing upon taste or touch just because they are named in this way by us, so whichever of the most holy patriarchs has inherited from the holy canons the first place does not boast or lord it over the second, or over him who comes after the second.

In the following passage, Balsamon discerns the equality of honour of the patriarchs, who are entitled to similar distinctions in the wearing of vestments, and other privileges:

Therefore, just as it is not lawful for anyone at all to speak about our one Christ and God, presenting Him and exalting Him in one way in one part of the *oecumene* and glorifying Him in another way elsewhere, lest he be condemned to ultimate madness and fall into ungodliness, so in the same way no one must say that the divine patriarchal dignity is divisible and is divided into greater and smaller privileges.

In spite of the divisions between their jurisdictions, Balsamon interprets the unity of the patriarchs as follows:

God the creator of all, Who fashioned man in His image, making him king over the earth, although he is nevertheless governed from above, is lauded also for the other miraculous harmony of His creation, and how from an amalgum of immortal and mortal He fashioned the vessel . . . And He is no less magnified because it pleased Him that the life of men should be conducted through five senses which have their peculiar properties, but between which communication is not denied. Although perhaps sight performs unilaterally the function it was allotted by God as a kind of obligation and is not impeded by the accompanying senses, it nevertheless is not separated from communication with them. It rather wishes to share its functions, and desires that they should help as faithful servants to heal the body which treasures them.

He is again admired for the fact that each of the senses is duplicated, so that if one is taken away, the other which remains fills its place; as a result undamaged bodies do not boast of their integrity, but rather sympathize, as if their master has nothing to rejoice about. Even if it happens that one of the ears becomes useless, the man, while no longer perfect, is still said to be entire and sound and as God made him. But it is regarded as some kind of an abortion if he is not helped by the other four senses which are sound. Therefore, as each of the senses fulfils its own function, we do not disown what is useful in the others, nor do we denounce their ugliness and uselessness because they do not act in duplicate as they were created; we rather join them together (for if one of them does not work at all, as we said before, the whole body is made useless and reckoned as nothing by men). In the same way, the pentad of the patriarchs is justly and safely regulated, for each of them operates unilaterally the administration which has been allotted to him, so that the privileges of the holy churches shall not be confused and no one shall be banished from the honour of God or from other rights which have been given from the beginning to the divine office of the patriarchs. For if such a thing happened, and someone for example stripped the Patriarch of Alexandria of his patriarchal privileges when he was

staying in the capital on the grounds that he was absent from his proper area, this would make the head useless; deaf, as it were, or blind. The head would have to be operated by four or even three senses. For this reason, so it seems, it has been established as indispensable that those patriarchs who do not possess the holy thrones which were allotted to them because of foreign invasions—I am referring to Antioch and Jerusalem—should be protected. For although they may have been thrust out of the glory of their thrones, still, according to David, the spiritual grace shall not be abrogated . . . Therefore the patriarchs exiled from their most holy churches and living extra-territorially in the jurisdiction of another patriarch should be treated with kindness, not with contempt. For it is laid down that they should be comforted and deemed worthy of every care and support and should not be insulted because of this regrettable state of affairs, which should not be used as a pretext for pretensions. Again, while the Holy Scriptures and patristic tradition named the Bishop of Rome Pope and did the same for the Bishop of Alexandria, and yet called the Bishops of Constantinople and Jerusalem Archbishops, only the Bishop of Antioch being called Patriarch, how is it that the Church of the Antiochenes is not indignant when it learns that the others are now called patriarchs? Because the honour is the same and because the five patriarchs hold the place of the one head of the body, which is the holy churches of God . . . *Father* is called *pope* by the Latins and *patriarch* by the Jews; the ruler, that is, the father of tribes. Similarly, the Arch-bishop is the father of bishops. But even if the words *pope*, *patriarch* and *arch-bishop* do mean different things, the power of these bishops does not differ at all. Hence all are given the common name of patriarch. The first Bishop in Rome, St. Silvester, and the first Bishop in Antioch, Euodius, were rightly called fathers, for they were not yet set forth by the fathers as patriarchs. In the same way, the Bishop of Alexandria was called Pope, because at the third council St. Cyril received the privileges of the Pope of Rome, who was at that time Celestine. When the faith reached to the ends of the *oecumene* and nearly every city received a bishop, it became necessary that Jerusalem also should be honoured with reverence and at God's pleasure, because of the holy Passion and the sepulchre of our Lord Jesus Christ; and likewise the Great City, as it is called, because the sceptres of the Empire of the Romans were transferred to it. The bishops in these cities were therefore called archbishops, in other words rulers and heads of many bishops, that is to say fathers and patriarchs.<sup>1</sup>

Balsamon goes on to maintain that the Patriarchs of Antioch and Jerusalem are on no account to be stripped of their patriarchal honour purely because of their being absent from their sees as a result of the barbarian invasions. He invokes canon thirty seven of the Council in Trullo.

An assessment of the central idea of Balsamon's treatise on the privileges of the patriarchal dignity quoted above and a comparison of it with his own individual judgements lead to Barsov's proper conclusion

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1. G. RHALLÉS and M. POTLES, *op. cit.*, IV, pp. 542-555.

that Balsamon is concerned with the patriarchal office and the privileges which distinguish it, and not with the patriarchal thrones and their privileges. Balsamon's judgements must be evaluated from a dogmatic rather than from a canonical aspect. He recognizes the patriarchs as essentially similar despite the different ways in which each patriarch exercises his functions as an administrative organ; he accepts this difference detecting a parallel between the equality of the pentad of patriarchs and that of the five senses. Even though the five senses of the human body cannot be distinguished in relative value and importance in the human body as a whole, they are, at least, differentiated by their different activities and functions in various places and for different purposes. In the same way, the patriarchs who correspond to the five senses, and according to Balsamon form a *head*, the head of the body of all the churches, can have different status and influence in inter-church relations.

Generally speaking, the paralleling of the five patriarchs with the five senses and Balsamon's entire treatment of the pentarchy do not essentially imply defending complete equality between the patriarchal thrones or recognizing that they possess the same status and influence in cases involving the Christian Church. They are concerned first of all with vindicating the indispensability of there being five patriarchs and secondly with maintaining that the fact that the Eastern patriarchs succumbed to non-Christians cannot be used as a reason to despise them, or for their sees to disappear. For this reason, when Balsamon deals with the pentarchy, he turns his attention to their personal privileges and looks for the bases of their equality of honour, an equality demonstrated jointly by the single grace which distinguishes them and the identity of the dignity they possess. The canonical side of this teaching lies in the fact that the patriarchs emerge as supreme governors in the Christian Church, armed with the highest spiritual power and the most extensive spiritual prerogatives. Each holds a different status, but they do not differ from one another either in their spiritual office or in the spiritual privileges which distinguish that office. The canon law of the ancient, universal Church recognized five of these supreme governors, corresponding to the five most ancient primatial sees: Rome, Constantinople, Alexandria, Antioch and Jerusalem, who were honoured and outstanding because of the Apostolic origin of their sees and because of the importance of the cities in which they were situated.

Yet the rise in status of these sees as a result of their promotion in concrete, historical conditions, and as necessity, the administrative system and inter-church relations demanded it, is clearly only of canonical, not

dogmatic, significance: Nevertheless, the theory of pentarchy became broader through teaching that the patriarchal office and its distinctive ecclesiastical privileges originated from divine grace and through the comparison of the ancient primates of the Christian Church recognized in canon law with the five senses of the human body. This last excluded the possibility of their number's lessening or increasing.

In his treatment of the pentarchy, Patriarch Peter of Antioch compares the body of the Church with the human body.

The body of man is commanded by one head. In the body there are many limbs, and all these limbs are managed by only five senses: these are sight, smell, hearing, taste and touch. The Body of Christ, the Church, I say, of the faithful, fitted together in different peoples like limbs and managed by five senses, the great thrones I mentioned, is governed by one head. I speak of Christ Himself. And just as there is no other sense over the five senses, so no other patriarch shall be over the five. Certainly all the members, that is all the countries of the nations and the local bishoprics, are regulated by these five thrones, as the senses that are in the Body of Christ, and are managed in a God-fitting manner. As it were in one head, Christ our true God, through one orthodox faith, they are fitted together and lead by this head.<sup>1</sup>

Nilus Doxapatres says the same:

The Body of the Church had to be perfect, as Christ is its head, and the whole body is governed by five senses, not by four. For this reason, the Holy Ghost determined that there should be five patriarchates, which are one body, one Church, the five patriarchates fulfilling the rôle of senses. For just as every body is governed by the five senses, the body is incomplete if one of the five senses is missing. So the Church of Christ, one body being all and one, based on faith in Christ the Son of God, is governed by five patriarchs like senses. As for which patriarchate fulfils the rôle of which sense, there is not here time to say.<sup>2</sup>

Thus, according to the theory of the pentarchy, the administration of the entire Church is deemed correct when it is exercised by the five patriarchs as if by the senses of the human body. The Byzantine canonists and writers made extensive use of this theory in their attempt to justify the development of the canonical forms of ecclesiastical administration and to demonstrate that the establishment of the five patriarchates was a high point in this development, corresponding as they do to the five human senses and representing the entire Church.

Yet in expressing the Church's teaching on the supreme spiritual and ecclesiastical power of the five patriarchs as a whole and of each of

1. PG CXX, 760.

2. PG CXXXII, 1097.

them individually in relation to the other hierarchs, the theory of pentarchy does not exclude the possibility that some of the patriarchs could be elevated in status and general influence in ecclesiastical affairs, yet without the others suffering any kind of degradation. This serves to strengthen the unity of the five patriarchs' operations and to order their mutual relations better.

Moreover, the comparison of the patriarchs with the five senses, each of which has a different position and function in the human body, demonstrates that there is a difference in the external, historical position of the patriarchs and in their mutual relations. The analogy identifies the Church of Rome with sight, because of the supremacy of this sense over the others, and identifies the other churches with the other senses. The little known Gregory of Trebizond starts from this principle, and compares the Church of Rome with the sense of touch, which he regards as the most basic of the senses, given that an animal which happens to lose all its other senses can support its existence on this one sense alone. He compares the Church of Constantinople with the sense of taste, because this sense comes immediately after touch, the Church of Alexandria with sight, Antioch with hearing and Jerusalem with smell.<sup>1</sup>

However this analogy be evaluated, the idea it contains that the different status of each patriarch can be assessed through the relative value of the human senses does undoubtedly express the Church's evaluation of the importance of these thrones.<sup>2</sup>

### *Secular Laws.*

While the throne of Constantinople's sudden development "through divine and ineffable providence"<sup>3</sup> made it necessary for oecumenical councils to determine the relative order of the prerogatives of honour between the Bishops of the two Romes, its continuous rise and diverse activity in later years formed the foundation stone on which the greatness of the Orthodox East was built, and naturally provoked the immediate interest and whole-hearted backing of the State, which incorporated the canons of the councils in its secular legislation.

Justinian reiterated the contents of the canons of Chalcedon in Novel 131 (Ch. I), promulgated in 545:

1. J. HERGENRÖTHER, *op. cit.*, II, p. 134.

2. BARSOV, *op. cit.*, III, 1882, 73.

3. G. RHALLS and M. POTLES, *op. cit.*, IV, 542-543. *Study, that is answer in support of the patriarchal privileges.*

We accordingly decree that the status of laws is held by the holy ecclesiastical canons set forth or ratified by the four holy councils, that is to say those of Nicaea and Constantinople, the first held in Ephesus, and Chalcedon. For we accept the dogmas of these holy councils exactly as we do the Holy Scriptures, and we keep the canons as laws.<sup>1</sup>

In chapter two of the same novel we find:

We decree, according to the definitions of the holy councils, that the most holy Pope of Old Rome is first of all the priests, that the most blessed Bishop of Constantinople, New Rome, holds second place after the Apostolic throne of Old Rome, and is honoured before all others.<sup>2</sup>

In these measures, Justinian defends the rights of the episcopal throne of the capital, recognizing at the same time that the Bishop of Rome holds the first *πρεσβεία* in order of honour; in other words, the legislation recognizes that the two bishops hold *πρεσβεία* which are *essentially* equal. Again it must not be forgotten that Justinian included in his code the relevant clause of Zeno's legislation which recognized the Church of the imperial city as mother of all the Christians of the Orthodox faith,<sup>3</sup> and also the two decrees of Theodosius and Honorius, on the basis of which Constantinople has the privileges of Rome,<sup>4</sup> and canonical disputes

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1. Quite clearly this decree of Justinian's gives the canons promulgated by the first four Oecumenical Councils the force of law. The decree is also incorporated in the *Basilica*, where it is laid down that the canons of the seven Oecumenical Councils — including in other words the three councils which took place after the promulgation of Justinian's Novel: Constantinople II and III and Nicaea II — and the canons of local synods which they ratified have the status of imperial law. The decree was also included in the *Σύνοψις τῶν Βασιλικῶν* bk. X, ch. 6 (from I. and P. ZEPH, *Jus Graecoromanum*, vol. V, 1930, p. 262. Cf. POULITSAS, *Σχέσεις Πολιτείας καὶ Ἐκκλησίας*, pp. 168-169).

2. This chapter was incorporated in the *Scholastic Collection* in 87 chapters, in the *Nomocanon* in 14 *tituli* (I, V) (G. RHALLÉS and M. POTLES, op. cit., vol. I, p. 42), in the *Basilica* (II, 5, 3, 3) and in the commentaries of Zonaras (G. RHALLÉS and M. POTLES, op. cit., II, p. 174) and Balsamon (G. RHALLÉS and M. POTLES, op. cit., I, p. 44 and elsewhere. v. M. PETROVIĆ, op. cit., p. 233).

3. Cod. Just. I, 2, 16 (C.I.C. II, 14). "... In addition we judge and decree that the most holy Church of the most religious city, the mother of our piety and of all the Christians of the orthodox religion and the most holy throne of the imperial city should certainly have for ever, by virtue of being the imperial city, the privileges and all the honours involving the consecrations of bishops and the right of sitting in a higher position than others, and all the rest of the prerogatives which it is known to have had before our reign..." This decree is mentioned twice in the *Nomocanon*, briefly in *Tit.* I, ch. 5 and more extensively in *Tit.* VIII, ch. 1 (G. RHALLÉS and M. POTLES, op. cit., I, 12 and 143).

4. Cod. Just. XI, 21, 1 (C.I.C. II, 434).



which arise throughout Illyricum are made subject to the bishop of the capital.<sup>1</sup>

In his code, Justinian decrees:

Omnibus rebus ecclesiasticis prospicientes et praecipue iis, quae competunt sacrosanctae magnae ecclesiae huius felicitis urbis nostrae omniumque matri quae caput est reliquarum omnium...<sup>2</sup>

All this secular legislation was enacted during the period between the promulgation of the third canon of the Council of Constantinople of 381 and that of the thirty-sixth canon of the Council in Trullo of 691, to which the twenty-eighth canon of the Council of Chalcedon adheres entirely.<sup>3</sup>

Leo III the Isaurian (717-741) taking as pretext the fact that the synod held in Rome in 731 under Pope Gregory III condemned a pro-iconoclast resolution, proceeded in 731 to detach the provinces of Eastern Illyricum and Southern Italy, which were politically subject to Byzantium, from Rome's jurisdiction, and to attach them to the throne of Constantinople. Constantinople's jurisdiction was increased even further by the Christianization of the Slav countries and other areas. Thus the ecclesiastical and political frontiers of the Byzantine Empire were made identical.<sup>4</sup>

A classic definition of the status, personal authority and strength of the Bishop of Constantinople as the living and inspired image of Christ, charged with being the model of a Christian bishop, the champion of the Christian faith who defends it and acts for it before all, even before the Emperor himself, is, as we saw earlier, the *Epanagoge of the Law*. This is a legal collection published between 879 and 886 by Basil I and his sons Leo and Alexander. The author is held by some to have been Photius.<sup>5</sup>

In its third *titulus*, it reads:

The throne of Constantinople, honoured by the imperial office, was designated first by conciliar decisions; the divine laws which succeeded these decisions decree that disputes occurring in the jurisdictional areas of other thrones should be referred to the judgement and verdict of that throne.

1. Ibid. I, 2, 6 (C.I.C. II, 12).

2. Ibid. I, 2, 24 (C.I.C. II, 17).

3. M. PETROVIĆ, 'Ο Νομοκάνων εις ιδ' τίτλους καὶ οἱ Βυζαντινοὶ σχολιασταί, p. 232.

4. B. STEPHANIDES, 'Εκκλ. 'Ιστ. 258 and 295-296. G. KONIDARES, 'Εκκλησιαστικὴ 'Ιστορία τῆς Ἑλλάδος, pp. 72 and 535. GENNADIUS of Heliopolis and Thira, 'Ιστορία τοῦ Οἰκουμενικοῦ Πατριαρχείου, p. 183. M. PETROVIĆ, op. cit., p. 227.

5. K. MOURATIDES, Σχέσις 'Εκκλησίας καὶ Πολιτείας, I, p. 99.

Supervision and care for all metropolises and bishoprics, monasteries and churches, as well as judgement, condemnation and acquittal, are the prerogative of the appropriate patriarch. The President of the Constantinopolitan Church is authorized to give *stauropigia* in the jurisdictional areas of other thrones, where there has been no previous consecration of a shrine; he may even consider and deal with such disputes as occur in the areas of other thrones and even bring them to judgement. Likewise he and he alone is arbiter and judge of repentance and the turning away from sins and heresies.<sup>1</sup>

According to this *titulus*, the throne of Constantinople is entitled to consider and decide such disputes as arise in the spheres of other thrones, but he also has the special prerogative of "giving *stauropigia* in the jurisdictional areas of other thrones where there has been no previous consecration of a shrine," throughout the Christian East, that is. While the *Epanagoge* does not mention its sources, it is certain that this paragraph completely corresponded with the prevailing practice of the period.<sup>2</sup>

### *Stauropigia.*

Commenting on the basis on which the patriarchs were generally provided with the prerogative of founding *stauropigia* Balsamon writes in his interpretation of the thirty-first Apostolic canon:

I understood that these things happened rightly and canonically and that the local bishops were wrong to find fault in this practice. For no proper territory is given by the canons to any metropolitan, archbishop or bishop. The territories of the four divisions of the Empire were allotted to the five patriarchs, and thus they possess in them the right of having their names commemorated by all the bishops of their individual areas: this is clear from canons six and seven of the first council and canons two and three of the second, which prescribe that the Patriarch of Alexandria is to have the whole area of Egypt, Libya and the Pentapolis, that the Patriarch of Antioch is to have Coele Syria, Mesopotamia and Cilicia, and the other patriarchs the other dioceses. Hence, as they have the right to perform ordinations in the dioceses belonging to them, as set out in the afore-mentioned canons, and as they review and canonically correct the bishops who govern their areas, they are also entitled to set up *stauropigia* in their cities and parishes. And whenever they want to, they shall appropriate clergy from these areas without having to justify themselves. While this is the case, none of the patriarchs shall be entitled to set up *stauropigia* in the area of another patriarch, or to take another patriarch's clergy, lest the rights of the churches become confused.<sup>3</sup>

1. "Επὶ τῇ τοῦ Νόμου," in *Jus Graecoromanum*, ed. Zepo II, pp. 229-268. G. RHALLER and M. POTLES, op. cit., VI, 429.

2. T. BARSOV, op. cit., p. 533.

3. G. RHALLER and M. POTLES, op. cit., II, 41-42.

In this interpretation Balsamon does not refer to the law, but only confirms that the Great Church could reject the objections of metropolitans and bishops on the basis of its special privilege, "by long unwritten custom prevailing against the canons from time immemorial until now."<sup>1</sup> The commentator of the *Pedalion* agrees with Balsamon in explaining the origin of the *stauropegia*.<sup>2</sup> Matthew Blastaris clearly recognized the patriarchs of Constantinople as having the special right to give *stauropegia* even within the areas of the other patriarchal thrones, and includes in his *Syntagma* the provision of the *Epanagoge* mentioned above<sup>3</sup> and in another section of the *Syntagma* writes:

Only to the Patriarch of Constantinople is it given to send *stauropegia* anywhere... Only the Patriarch of Constantinople has been allowed from established custom both to give *stauropegia* and to have his name mentioned and repeated, not only in the special areas he has acquired wherever they may be, and in the territorial possessions of the monasteries subject to him, but also in the areas of his metropolises, wherever, that is to say, he may be called upon by the person who is building the church.<sup>4</sup>

This section of the *Syntagma* is clearly connected with Balsamon's commentary on canon 12 of Sardica. Discussing on the basis of this canon the proper behaviour for a bishop "who has extensive territorial possessions in other jurisdictional areas," Balsamon writes:

Note that in the territorial possessions of other churches, the local bishop holds the episcopal rights: and from long established custom, frequently ratified by councils, the throne of Constantinople gives *stauropegia* in all the jurisdictional areas of the churches and is mentioned not only in them, but even in any territorial possessions he may hold anywhere. Some say that this holy throne has in itself the prerogative not only in the possessions which are distinct in this sovereign right, but also in the territorial possessions of the monasteries subject to him, wherever they may be.<sup>5</sup>

An assessment of these interpretations and of the Byzantine canonists' commentaries undoubtedly leads to the conclusion that the Bishop of Constantinople had the special privilege of giving *stauropegia* in any place lying beyond the limits of his patriarchal area. These *stauropegia* were entirely subject to the direct government and administration of

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1. Ibid. II, p. 41.

2. *Pedalion* 1957, p. 33.

3. G. RHALLES and M. POTLES, op. cit., VI, 429.

4. G. RHALLES and M. POTLES, op. cit., VI, 84.

5. G. RHALLES and M. POTLES, op. cit., III, 265.

the Bishop of Constantinople, and were canonically dependent upon him. His name was commemorated in them. The appointment not only of the abbot and monks, but of the entire personnel of *stauropegiac* monasteries was dependent upon the Bishop of Constantinople. In *stauropegia*, he had the prerogative of disposing of the income, of trying the canonical transgressions of the abbot and monks, and of generally supervising spiritual affairs. In sum, those ministering in the *stauropegia* ceased to have any relation of obligation with their local bishop. Some of the chauvinistic Russian canonists, in particular Pavlov, unfairly interpret Balsamon's observation in his commentary on the thirty-first Apostolic canon that "none of the patriarchs shall be entitled to set up *stauropegia* in the the area of another patriarch, or to take another patriarch's clergy lest the rights of the churches become confused." They forget, as Barsov remarks, or deliberately wish to be unaware that Balsamon is referring to the canonical principle which only forbids each of the patriarchs, Constantinople included, any involvement in the canonical jurisdiction of another patriarch's area; in other words, they were not to extend their jurisdiction by *stauropegiac* right over areas which were directly under the full jurisdiction of another patriarch. Deliberately avoiding a proper understanding of the deeper spirit and correct interpretation of Balsamon's observation, and shutting their eyes to its harmony and concord with other commentaries of the same canonist, they prefer their favourite method of flat denial, so that they end by lessening the prerogatives and influence of the Bishop of Constantinople as *primus* and leader in the Orthodox East. They forget, however, that in so doing they come into conflict with the prevailing practice and thinking of the Byzantine canonists who confirm that the Bishop of Constantinople's special privilege of giving *stauropegia* in all ecclesiastical areas was ratified "by long unwritten custom prevailing against the canons from time immemorial until now"<sup>1</sup> and that consequently the *Epanagoge* simply gave form to this prevailing unwritten prerogative.

Those who hold their point of view cite both canon fifteen of Nicaea, according to which usage which does not conform with the canons must "absolutely be removed",<sup>2</sup> and the first canon of the Council of Sardica,

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1. G. RHALLES and M. POTLES, op. cit., II, 41.

2. Zonaras interprets this canon as follows: "This is the meaning of the opening words of this canon: that all worthless customs should be overthrown, and if they do active harm they must be utterly eradicated, so as to demonstrate their total abolition and overthrow" (G. RHALLES and M. POTLES, op. cit., III, 228-229).

by which "what is a bad custom and a pernicious source of corruption must be completely eradicated." They are either unaware, or do not wish to know, that these canons were concerned with condemning what was *contrary to* the canons, and with what was a *bad* custom, and not with developed, prevailing unwritten law. In this particular instance, custom certainly acquired the form of written law as a result of the *Epanagoge*.

The basic principles of the canonical order of ecclesiastical government are not violated in the slightest by recognizing that the throne of Constantinople had the special privileges of hearing appeals and of giving *stau-ropegia* beyond the limits of his patriarchal area. The true position of the first see of the Orthodox East is merely clarified as it should be seen in the context of the canonical institutions and their long developed practice.

#### *Titles.*

The practice of giving the incumbents of the Constantinopolitan see the titles *Oecumenical* and *Patriarch* conforms with that thesis which distinguishes the Bishop of Constantinople from the other primates of the senior churches and brings him close to the status of the Pope of Rome. Although it is difficult to define exactly the sense and range of these titles, it cannot be denied that they indicated the special authority of the Bishop of Constantinople in the Eastern half of the Empire.<sup>1</sup>

According to Ivan Andreeff, the title *Patriarch* was used in a very un-specific sense at the Council of Chalcedon. In canons nine and seventeen, those who are now called patriarchs are entitled exarchs of the dioceses.<sup>2</sup> In fact the five patriarchs signed as bishops in the acts of councils from Ephesus until the seventh Oecumenical Council at Nicaea. In the speeches, however, the title *ἀρχιεπίσκοπος* (*archbishop*) was used, particularly from the Council of Chalcedon onwards. Socrates mistakenly says that the title of patriarch was defined by the Council of Chalcedon.

The title was given to the most important bishops from the beginning of the fifth century until, in the seventh and eighth centuries, the practice came to prevail of awarding it exclusively to the five supreme archbishops. From the sixth century, Antioch was entitled patriarch, Je-

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1. Hieromoine Pierre, op. cit., *Irenikon*, 1933, 123. Cf. Vailhe, 'Constantinople,' in DTC III, col. 133 and Duchesne, *Eglises séparées*, pp. 208-209.

2. I. Andreeff, *Konstantinopolskie Patriarchi ot vremeni Chalkidonskago Sobora do Fotija*, Sergief Posad 1895, 5-6. B. Preidas, op. cit., p. 32.

rusalem Archbishop, and Constantinople Archbishop and Patriarch, while from early times Alexandria bore also the title of *Pope* (*Πάπας*).<sup>1</sup>

In his 126th Novel, Justinian lists the five as archbishops and patriarchs:

Jubemus igitur beatissimos quidem Archiepiscopos et Patriarchas, hoc est seniores Romae, et Constantinoupoleos, et Alexandriae, et Theoupoleos et Hierosolymorum.<sup>2</sup>

*Theoupolis* is Antioch.

Pichler thinks that the title *oecumenical* on the secular level meant Roman—in other words Byzantine—, and on the ecclesiastical level Christian; belonging, that is, to Christendom as a whole. When Theodosius the Great called John Chrysostom *οἰκουμενικός διδάσκαλος*, he meant “teacher of the whole Christian world.” The expression used by Theodoret of Cyrus to describe St. Basil as spiritual and moral enlightener of the whole Christian world has the same meaning: *Ἐγένετο δὲ ταύτης τῆς (Καίσαρειας) τηρικαῦτα Βασίλειος ὁ Μέγας, τῆς οἰκουμένης Φωστήρ*.<sup>3</sup>

This title was brought into the Church not to signify world-wide spiritual authority, but as an honorary title. The Emperor Maurice supported its use by the Patriarchs of Constantinople and explained to Gregory the Great that it merely signified the *primus* or primatial bishop in the hierarchy, and shows the honorary privilege of the Archbishop of the capital as a *πρωτόθρονος* in the body of bishops. With the exception of the Popes of Rome, the other primates of the Christian East and the Patriarchs of Constantinople themselves regard the title in this way.<sup>4</sup>

With time, and particularly after the Christianization of the Russians, the Patriarch of Constantinople came in reality to govern the largest of the ecclesiastical areas of the Byzantine Empire and to exercise spiritual power over unlimited areas beyond the Byzantine Empire. Yet this does not mean that he was *Patriarch of the Oecumene*, of the whole Christian world of the time.<sup>5</sup>

Acacius (472-488) was the first Archbishop of Constantinople to

1. TH. ZAHN, *Forschungen zur Geschichte des neutestamentlichen Kanons und der altkirchlichen Litteratur*, III, 1884, 183 n. 2. W. MÖLLER, *Lehrbuch der Kirchengeschichte*, p. 356, cf. E. PHOTIADES, op. cit., p. 611.

2. GENNADIUS of Heliopolis and Thira, op. cit., p. 186.

3. *Eccl. Hist.* IV, 16, PG LXXXII, 1160.

4. BARSOV, *Konstantinopolskii Patriarch i ego vlast nad Rousskojou Tserkovjou*, Ch. 3, pp. 143-183.

5. GENNADIUS of Heliopolis and Thira, op. cit., p. 188.

be addressed as Oecumenical Patriarch. In 483, Pope Felix protested against this title, which was not used by Acacius, but attributed to him by others: "Nescio quemadmodum te Ecclesiae totius asseras esse principem."<sup>1</sup>

John of Cappadocia, who was Patriarch from 518-520, was named ἀρχιεπίσκοπος καὶ οἰκουμενικὸς πατριάρχης. In Justinian's Novels<sup>2</sup> and in synodical documents of that period, the title *oecumenical* is given to Patriarchs Epiphanius (520-535), Anthimus (535-536) and Menas (536-552). John IV, the "Faster", tried the Patriarch of Antioch Gregory, who was charged with various canonical crimes. In the Acts of the synod, John is recorded with the title οἰκουμενικός, because he was addressed as such by the members of the synod, not because he himself signed with the title. The Patriarchs of Alexandria and Jerusalem took part in this synod, which was consequently a μείζων Ἐνδημούσα Σύνοδος (*Greater Resident Synod*) and they did not protest against this use of the title. However, the Pope, Pelagius II (578 - 590), did protest, as did his successor Gregory II (590 - 604) more strongly.<sup>3</sup>

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1. J. MANSI, VI, 885, 1055, 1012.

2. 3, 5, 6, 7, 12.

3. GENNADIUS of Heliopolis and Thira, op. cit., 187-190. On the title *Oecumenical* and the dispute it occasioned between East and West, see A. PICHLER, op. cit., pp. 625-660. LE QUIEN, *Oriens Christianus* I, pp. 67-86. J. HERGENRÖTHER, op. cit., I, pp. 179-190. H. GELZER, 'Der Streit über den Titel des Ökumenischen Patriarchen,' in *Jahrbücher für Protestantische Theologie*, XIII, Heft IV, pp. 540-584. ANDREEFF, op. cit., pp. 270-282. BARSOV, op. cit., pp. 143-183. S. VAILHE, 'Le titre du Patriarche oecuménique avant S. Grégoire le Grand,' in *Echos d'Orient* XI, 65-69. E. PHOTIADES, op. cit., 11-12. I should certainly be neglecting my duty if I did not here highlight a positive contribution of unquestionable historical significance which has created a new psychological climate of sincere brotherly love and mutual respect in the rapprochement between the two senior churches. I am referring to Pope Paul's use of the following mode of address in his letters to the Oecumenical Patriarch Athenagoras: "Sa Sainteté Athénagoras I, Archevêque de Constantinople et Patriarche Oecuménique."

It has been pointed out that "if the title *Oecumenical Patriarch* possessed dogmatic content, the Pope would never have applied it to anyone but himself . . . and that the title *Oecumenical* has been accepted by Vatican diplomacy to the extent that it does not mean *universalis*, although historically *Oecumenical* for them implies '*Patriarcha terrarum habitatarum*'" (A. DELIKOSTOPOULOS, *Αἱ ἐκκλησιολογικαὶ θέσεις τῆς Ρωμαιοκαθολικῆς Ἐκκλησίας ὡς δογματικὸν πρόβλημα τοῦ θεολογικοῦ διαλόγου*, 111-112, n. 566). I believe, however, that irrespective of any comment, Pope Paul's gesture was without question an act of goodwill of exceptional historic value.

## Chapter Five

### THE CANONS OF THE CHURCH

*Their Ecclesiological Function; Circumstances in which they may properly be altered; the Criterion to be adopted when altering them.*

The designation of the Church as the mystical body of Christ and the inseparable union within it of the divine and human under one head, the one Lord, make possible the solution of various important problems. One of these is the question of what should be the criterion in determining the contents of the canons. It is this which will principally concern us in this chapter.

The Church on earth, inseparably linked with the Kingdom of God in heaven through its divine head, is the sole organization in the history of mankind to transcend this world. Human and divine are harmoniously united within it; indivisibly, yet without confusion.

The true Church, therefore, is not merely a visible human organization in the world, nor is it solely a divine invisible body above and beyond the world. Rather it is single and indivisible, visible and invisible, divine and human, existing at once both in heaven and in earth, both within time and in eternity. This principle is of fundamental importance both for the entire organization of the Church and for the satisfactory solution of problems concerning the internal order of the Church which are complicated precisely because the Church is essentially both a human and divine entity, in which the transient is continuously involved and intertwined with the eternal, the visible with the invisible, the divine with the human, the changeable with the unchangeable.<sup>1</sup>

The visible Church, as the organized expression in the world of the unique and indivisible, divine and human organism of the Church, is indissolubly linked to its invisible divine head and carries on in the world the redeeming work of Christ. Clearly therefore, the founding of the Church even as a visible society in the world, hierarchically organized, is the prerogative of the same Lord who is both God and Man. It was He who equip-

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1. K. MOURATIDES, *Σχέσις Ἐκκλησίας καὶ Πολιτείας*, p. 57.



ped it with its fundamental laws and with the appropriate organs and means to fulfil its earthly mission. The Lord is not only the redeemer of the world; He is also its law-giver. It followed that as the Church had received from its founder a commission and power, it would develop and institute whatever it required to function normally as an institution, taking the Holy Scriptures as its fundamental principle. Canons were therefore gradually promulgated, regulating the life of the Church in its earthly aspect.<sup>1</sup> As these canons are derived from the very essence of the Church and act in harmony with it, they enshrine the unchangeable essence of the Church in the changing conditions of history<sup>2</sup> and are the eternal, visible, historical and changeable expression of the unchangeable element, the doctrines of the faith;<sup>3</sup> hence the close, direct and essential relation between dogma and canons. It is for this reason that the Greek words *δόγμα* and *κανών* are sometimes used as synonyms.<sup>4</sup>

Such an expression of the essence of the Church necessarily rests on concrete historical premisses and preconditions. Since the historical conditions under which the Church has been called on occasion to fulfil its saving mission have not remained stable or unchanged, the life of the Church and the ecclesiastical laws which govern it have developed parallel with the change and development in the external conditions. The canons were not all promulgated at once, but gradually, as the new religion spread abroad, and various external factors demanded that the Christian Church be organized by explicit regulations.<sup>5</sup>

This gradual promulgation of the canons, linked to the Christian communities' periodic needs which the Church attempted to meet with its laws, has led certain Orthodox theologians to argue as follows: lying behind the canons are the Church's extensive and varied interests leading it to give its children a guide-line to enable them to identify basic questions soundly and to deal with them correctly;<sup>6</sup> further, the needs of its children have altered in much and are continually altering, alongside the circumstances of society and the effect of the passage of time and of modern

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1. V. LOSSKY, *La théologie mystique de l'Eglise d'Orient*, p. 172.

2. M. PETROVIĆ, 'Ο Νομοκάνων εἰς ἰδ' τίτλους καὶ οἱ βυζαντινοὶ σχολιασταί, p. 68.

3. P. EVDOKIMOV, *L'Orthodoxie*, p. 39.

4. B. STEPHANIDES, 'Τὰ ὅρια τῆς ἐκκλησιαστικῆς νομοθεσίας τῶν Βυζαντινῶν αυτοκρατόρων,' in *Ἐπετηρίς Ἑταιρείας Βυζαντινῶν Σπουδῶν*, 1955, 13.

5. Met. V. ARCHONTONES, *Περὶ τὴν κωδικοποίησιν τῶν ἱερῶν κανόνων καὶ τῶν κανονικῶν διατάξεων ἐν τῇ Ὁρθόδοξῃ Ἐκκλησίᾳ*, pp. 17-18.

6. AEMILIANOS, Bishop of Meloa, *Ἡ Ἐκκλησία τῶν Συνόδων*, p. 51.

conceptions. It is consequently self-evident that the Church not only can but must adapt its laws to these new needs, by modifying or even abolishing canons that have come to be useless or impractical, and must promulgate new ones as they become necessary.<sup>1</sup>

There are also the extreme liberals who unhesitatingly regard any discussion whatever about the canons as completely useless, sterile and casuistical, as revolving around laws which, if they are not dead, are certainly well on the way to the grave.

As well as the conservative progressives and the extreme liberals, there are the extreme conservatives: those who reject any possibility of change or modification in the canons. They rely chiefly on canon two of the Council in Trullo,<sup>2</sup> which ratified the canonical code prevailing previously, and secondarily on the first canon of the seventh Oecumenical Council (Nicaea II),<sup>3</sup> which, having no reason to go into a detailed enumeration of the canonical and doctrinal resolutions of the earlier councils and Church Fathers, merely reiterated more precisely and clearly what the Council in Trullo had promulgated on the code of the ancient canons and their authority:

To these there is to be no adding, and from them there is to be no taking away.

Yet what is the exact meaning of these canons? Apostolos Christodoulos' commentary on these two canons is extremely interesting:

The wording of this canon (two of Trullo) does not concern itself with the Church's legislative power to change or ratify the canons. In the original words of the canon, the council ratifies the canonical code as it had taken shape by the end of the seventh century and, by accepting it, confirms the councils and

1. Met. V. ARCHONTONES, *op. cit.*, p. 19.

2. G. RHALLS and M. POTLES, *op. cit.*, II, 308-310. The canon reads as follows: "It seemed very good and proper to the holy council that the 85 canons accepted and ratified by the holy and blessed fathers before us and handed down to us in the name of the holy and glorious Apostles should continue from now on secure and certain for the cure of souls and the healing of passions . . . and we set our seal also upon the other holy canons promulgated by our holy and blessed fathers (there follows a list of the councils the canons of which are ratified) . . . Nobody is permitted to falsify the afore-mentioned canons or to set them aside, or to accept, besides those mentioned, other canons spuriously added to the others by people attempting to debase the truth. If someone is caught innovating or attempting to overthrow one of these canons, he shall be liable to receive the punishment laid down by the canon, and shall thus be corrected in his fault."

3. G. RHALLS and M. POTLES, *op. cit.*, II, 555-556.

canons of the Fathers which it enumerates by name. Finally it prohibits any falsification or adulteration in the code as ratified, or replacement of the canons recognized by the Church with spuria written by unscrupulous persons. The prohibition by the council of any such activity was necessary when the canonical code was being specifically ratified for the first time by the legislative power and is directed at people who attempt to exploit the truth, and not at the acts of the legal power in the Church. If we compare the phrasing of the second canon with that of the first, which does speak about the untouchability and unchangeability of the dogmatic definitions of the Oecumenical Councils, then the distinction made by the councils between the two becomes clear. The council summarizes the truths of the faith defined and clarified in the creeds and dogmas of the six Oecumenical Councils, decreeing at the end of the first canon: "The faith of all the men who have been prominent in the Church of God is to hold fast and continue until the consummation of the world, . . . for we have resolved absolutely neither to add anything to nor to take anything away from what has been decreed before in any possible way." Similarly, there is an important distinction between the penalties the council imposes for transgressing the first and second canons. In the second canon, anyone convicted of innovating or of attempting to overthrow any of the canons afore-mentioned by the council is declared liable to receive the punishment fixed by the canon he has perverted or changed. In the first canon, we read: "And if anybody does not keep and cleave to the afore-mentioned dogmas of the faith and thus glorify and preach them abroad, but attempts on the contrary to overthrow them, let him be anathema . . . and let him be expelled and banished from the Christian register as an alien." The second canon of the Council in Trullo thus contains no suggestion that the canonical and disciplinary regulations of the canonical code are unchangeable and immovable, still less that this immovability must be understood in the same sense as that of the Holy Scriptures. Nor does the council put the canonical ordinances of the preceding councils on a par in importance for Christians with their dogmatic definitions. The direct sense of the words of the canon is to forbid any Christian, whatever his position in the Church, to change, pervert, replace or adulterate the canons on his own authority. There is absolutely no mention in the canon of acts of the legislative power of the Church, or of its prerogatives to develop and change earlier laws. The same sense is expressed in the first canon of Nicaea II. On the other hand many of the councils employ the word *ἀνανεούμεθα* (*we renew*); such an expression would not have been used if the keeping of the canons were as immovable as the doctrines of the faith. Again, the Council in Trullo first ratifies in general the canons of the local councils, and then goes on to correct and even to repeal some it regarded as resting on erroneous foundations (compare canon fifteen of Neocaesarea with sixteen of Trullo). The seventh Oecumenical Council, although saying in its first canon that "we preserve everything that has been handed down," nevertheless adds another twenty two canons, some of which repeat earlier canons that were apparently no longer in force. The same council in its first canon quotes Moses, by saying: "You shall not add anything to these things, nor shall you take anything away," yet it still introduces another twenty two canons. We are all familiar with the remarks of the ancient

canonists that such-and-such a canon was invalid, or was no longer in force, that it was *universal* or *particular*: Balsamon says in his interpretation of the fifty-ninth canon of the Council in Trullo that the provisions of the canon were not in force, but rather those of the Novel of Leo the Wise prevailed (see also his Commentary, XVI, 1, 2). From the general spirit of the council's phrasing, it emerges that the ancient canons are recognized and ratified as mandatory law for the whole Church and for every individual member of it. None of the members is justified in perverting them, in replacing them with others, or in introducing completely new elements into them on his own initiative.<sup>1</sup>

This disagreement and controversy amongst the canonists is clearly to be attributed to a different theological conception of the sense and purpose of the canons. According to Father Alexander Schmemmann, the gravest error of the extreme liberals lies in their seeing the canons as having the characteristics of secular laws, as administrative decrees which are automatically changed, if only the appropriate text can be found. Yet it is here that the problem lies, in that a canon is not purely a legal text or principle with no practical application in the Church whatsoever. A canon is a demonstration of the way in which, in a given situation, the eternal unchangeable essence of the Church must be revised and expressed. This eternal truth expressed in a particular canon, promulgated on a specific historical occasion in conditions probably differing radically from those pertaining today, remains stable and everlasting in the canons, making them an unchangeable part of church tradition. There are various forms of the historical essence of the Church for each person who has even a slight acquaintance with its history; there is clearly no doubt about this. In the course of history, one form replaces another. However, in all the various different forms of the life of the Church, there is a stable and permanent kernel: the dogmatic teaching on the Church, or, in other words, the Church itself. The life of the Church cannot take optional forms at

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1. A. CHRISTODOULOS, *Δοκίμιον Ἑκκλησιαστικοῦ Δικαίου*, pp. 57-60. A similar view on the interpretation of the 7th canon of the Council in Trullo is held by V. SESAN, 'Revision der Canonen und anderer kirchlichen Normen, sowie deren Kodifizierung,' in *Procès-verbaux du premier Congrès de théologie orthodoxe à Athènes 1939*, 310-323. Cf. Met. VARTHOLOMAIOS ARCHONTONES, op. cit., p. 20. There are scholars who believe that the said canons, even though they did not find their full application throughout the long life of the Church, do envisage the unchangeability of the holy canons, and that the promise on the faith and devotion to the holy canons was also included in the *Ordo* of the episcopal oath during consecration (A. SCHMEMMANN, 'Tserkov i tserkovnoje oustroistvo,' in *Messenger de l'Exarchat du Patriarche russe en Europe occidentale*, XV Nov. 1948, 2-6. N. AFANASSIEFF, 'Canons et conscience canonique,' in *Contacts*, 2me trimestre, 1969, 121-122.

will, but only such as correspond with the essence of the Church and are able to express this essence in given historical circumstances. Thus the canons are the form in which the unchangeable essence of the Church is enshrined in the changing circumstances of history. Any conscious contempt of them can consequently lead to the corruption of the Church, that is to ecclesiological heresy.<sup>1</sup>

The extreme liberals confuse *jus divinum* with *jus humanum* and forget that the category of divine law, which alone has meaning and unchangeable authority, must be understood to embrace everything which is closely connected to the essence of the Church and which bases its organization, without which the success of the Church's purpose would be problematical, upon everything which is either directly founded upon the doctrines of the Christian faith, or is a direct conclusion from them.<sup>2</sup>

They forget that the canons which govern the life of the Church in its earthly aspect are inseparable from the doctrines of the Christian faith, that they are not legal charters, nor sets of rules, strictly speaking, but the doctrines of the Church, the revealed tradition, applied in all sectors of the practical life of the Christian community.

They forget that this organic and inseparable unity of the canons and the canonical order in general, together with the internal nature of the Church, not only gave the Church's laws the preeminent character of spiritual and liturgical law, but also ensured the unity and self-sufficiency of the ecclesiastical organization, preserving it from any confusion with the secular equivalent.

They forget that to solve the canonical problems it is not sufficient merely to know the system of Canon Law mechanically, any more than it is sufficient to handle it in an external, formalistic and casuistical manner, by finding the canonical text appropriate to each particular case. This transfers the focus from the divine factor to the human, from the essence to the form, and from the freedom of the spirit of love to the dead letter of the Law.<sup>3</sup>

It is absolutely essential to know the underlying sense and meaning of *canonicity*. For this purpose, some higher, surer criterion is required to reveal the true sense of the canons beyond the problems and the external forms of the life of the Church. Such a criterion cannot be found in the

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1. A. SCHWEMANN, op. cit., 6.5, J. MEYENDORFF, *Orthodoxie et Catholicité*, p. 100.

2. A. CHRISTODOULOS, op. cit., p. 23.

3. K. MOURATIDES, op. cit., p. 123-124, 130. V. LOSSKY, op. cit., p. 172 f.

transitory and ephemeral, but only in the eternal, in other words in an *awareness of the eternal truth expressed in the canons*.

It is thus erroneous to look for such an awareness in the canons, that is to say in isolated historical texts, because these do not directly contain the life of the Church, but confront the problems of its empirical, transient aspect. The fundamentals, however, cannot be transient and ephemeral, but necessarily lie beyond the narrow confines of time, independent of the historical context or its conditions. Consequently the basis of an understanding of the eternal truth behind the canons cannot be found, cannot exist, except in the dogmatic teaching on the Church. It lies close to the understanding of the dogmatic element of the Church and is distinct only from the point of view of historical direction. As the moving force of the Church's history, its aim is to enshrine the dogmatic teaching in canonical forms.

Throughout the changing forms of the Church's life, this awareness of the truth expressed in the canons thus remains "unalterable, unchangeable, valid everywhere and always for all those who confess the same doctrines of the faith. This quality contains the sure criterion for confronting and solving the various canonical questions that arise, as well as for appreciating the canonical forms in their totality."<sup>1</sup>

Viewed from this point of view, the position of the extreme conservatives is seen to be equally erroneous. They start from the secure theological conception that the Holy Canons, at least those of the Oecumenical Councils, are "nothing other than divine law itself, the seeds of which are contained in the Holy Scriptures, but which has been developed and elucidated."<sup>2</sup> They extend the unchangeable as far as the very legislative power of the Church, forgetting that it was the Church which instituted and ratified the Holy Canons and by accepting them invested them with authority.

It cannot consequently be denied that it is the Church which possesses and always will possess the right to change in a legitimate fashion anything in its earlier canons which it finds needing to be changed or corrected. This right is inseparably connected with the essence of the Church's legislative power. If we accept that the authority of the canons is higher than the Church itself which instituted them, this means that not

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1. N. AFANASSIEFF, *op. cit.*, 121.

2. ANTHIMUS of Nubia, *Κανονικὸν καὶ Ἐκκλησιαστικὸν Δίκαιον τῆς Ὁρθοδόξου Καθολικῆς Ἐκκλησίας*, I, Thessalonica, 1957, p. 161. Cf. ARCHONTONES, *op. cit.*, p. 27.

only do we see the Church as lower than its creation, and make it permanently subject to that creation, but also that we put upon it the heavy burden of resurrecting many conditions of life and needs which have disappeared so as to effect the application of certain ancient regulations.<sup>1</sup>

The function of the canons and of ecclesiastical law in general is intended (as a creative and protective element) to help the Church's life to approach as far as possible the dogmatic teaching on the mystery of the Church. This, like all dogmas, is not theoretical or abstract truth, but is reflected in a whole series of expressions and is realized in the life of the Church.

This realization consists of the canonical organization, but this can never be complete. No ecclesiastical form can be seen to exhaust the mystery of the Church, but only to come near it, and this approach is relative to the historical moment at which it occurs. For this reason, any absolutist form of Church organization is quite unacceptable, because it confuses the empirical, relative and particularist expression of the Church with its unchangeable essence. The various historical forms are connected to one another absolutely by the dogmatic teaching underlying them. Any modification or change should therefore appear not only as a readjustment to historical conditions, but equally as a desire for fuller expression of the ecclesiastical mystery under new conditions and presuppositions. No change is legitimate except when the new structure of the Church expresses more clearly and extensively than the old the eternal dogmatic truth of the Church. We are free to modify, or even to create new forms, but we are not always entitled to do this. In this question, as in the whole life of the Church, great courage must always be accompanied by immense prudence and by faith and devotion to tradition.<sup>2</sup>

The entire canonical achievement of the Church forms an unbroken sequence of eras, rich in experience and in its obligation, responsibility and mission to enshrine the mystery of the Church in accordance with the varying situations of different times and places. We carry on only what did not originate from us, yet we like to believe that history begins with us. For this reason, in all our practical work, tradition and creation must always be inseparably linked; this will be the surest proof that our work will be continued, rather than come to an end with our death. However, every human action presupposes and entails to some degree the destru-

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1. A. CHRISTODOULOS, *op. cit.*, p. 64.

2. A. APANASSIEFF, *op. cit.*, p. 115.

ction of a previous creation which has ceased to be a living expression of the eternal, thus falling into complete inertia preventing creativity of any kind. We therefore can and must modify ecclesiastical laws, but only when the canons have ceased to be genuine canons, when they have ceased to fulfil their mission; when they no longer, in other words, express in life the eternal truth behind the canons. Certain canons will consequently remain in force until the end of time, and these canons are as sacred for us as the dogmas which they express.<sup>1</sup>

Yet how can these canons be properly distinguished in their nature and authority from those which bear traces of the temporal circumstances of ecclesiastical life which brought them into existence? I quote Apostolos Christodoulos, who believes that in defining the relations between the early canons and the legislation currently in force, we should bear in mind:

1. That the true spirit of the Christian Church in its visible dimension as a social institution is the profound and correct understanding of the fundamental bases of its organization, of the highest principles of its government and life, which are expressed in none of the later ecclesiastical laws with such clarity and totality as in the early canons. The integrity of the Church, its undivided life during the period of the Oecumenical Councils and the marked vitality and interest in religious and ecclesiastical social concerns — all, amongst other factors, contribute to this. The early canonical code, more than any later ecclesiastical legislation, can be seen as an expression of the catholic voice of the spirit of the Church in the most essential questions of its internal organization and government. From this point of view, the early canons are a precious work and monument of diligence of a period never repeated in the Church. For later years they have been used and must continue to be used as supreme model and key for the understanding of the spirit of Church government, from which determining principles in law-making are to be derived. The ecclesiastical legislation of later years cannot boast of having made any development in comparison with the early canons, or even of having understood the first principles of ecclesiastical organization and government. Even today we cannot but confess that many principles of the early canons which were enshrined in the early canonical organization and government of the Church were investigated more deeply and approximated more closely to the highest, ideal aims of the ecclesiastical body than many later ecclesiastical laws. As far as contemporary Church life is concerned, a great deal is consequently required from the legislative authorities to put the canonical principles into practice in the ecclesiastical bodies. To develop and apply these principles, to link them with the needs and situation of the church of each area and to elaborate them in particular laws is an essential and unceasing task of ecclesiastical legislation. When this relation to the canons is understood, their great, ageless importance for the ecclesiastical life of every era becomes possible and intelligi-

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1. Ibid. 115-116 and 125.



ble, and the great reverence the Orthodox Church has paid and still pays to this monument of its legislative activity becomes deeply significant. The Church does not make the canons an idol for thoughtless worship, but it does demand due reverence for them from its members and serious study and understanding of their spirit and ethical qualities from its ministers.

2. That within the early canonical code, we must distinguish the fundamental canons of general importance which express the first principles of ecclesiastical organization and the spirit of Church government, from those canons which relate to its external historical forms, to temporal conditions and needs; we must separate the spirit of the law from its external form, the intentions of the canons from all the canons individually.<sup>1</sup> Those who regard the canons as unchangeable do not make such a distinction and condemn the legislative power of the Church as unrealizable and as an impossible task. Laws do not create life, but only direct, order and govern it. The practical result of accepting such a theory would be that the legislative power would become extinct, as the early

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1. Against Christodoulos' view, supported by D. Balanos and H. Alivizatos, which distinguishes between fundamental and non-fundamental canons, there are scholars who make a distinction between dogmatic and administrative canons. Such a distinction is not new; on the first canon of the Council of Chalcedon, Zonaras writes: "The councils promulgated canons, some of which helped to define the dogmas, while others applied to the ecclesiastical establishment and regulated the churches" (G. RHALLIS and M. POTLES, *op. cit.*, II, 217).

In Alexius I's 40th Novel, ch. 4, we read: "Of the holy canons, some, which provide for the faith and give us some consolidation of the true dogma, shall be preserved and renewed in every way, while the rest shall be extracted and given over to my authority . . ." (From CH. FRANGISTAS, *Συνταγματική δύναμις τῶν κανόνων τῆς Ἐκκλησίας*, p. 7, n. 7). This point of view is rejected by Alivizatos, the authors of the *Pedalion* and P. Christou. Alivizatos does not think it is possible to speak seriously of dogmatic canons, "for while there certainly are some dogmatic canons, their content entails their being historical canons of secondary importance, because dogmatic questions settled by such canons will earlier have been fixed by definitions, and the canons consequently become superfluous. Also, questions of order and ecclesiastical administration settled by the remaining dogmatic canons are connected with the heresies prevailing at the time they were promulgated and with the heretical churches and communities which came into being as a result of the dogmatic differences and disputes. From this point of view, those dogmatic canons which do exist have little or no significance" ("Υπάρχουν δογματικοὶ κανόνες;" in *Τόμος εἰς μνήμην Σπ. Λάμπρου*, 1935, 477). The authors of the *Pedalion* write: "The conciliar canons mainly include not dogmas of the faith (at least only rarely), but provide for the good order and condition of the Church" (*Pedalion*, 1957). Christou thinks that "the canons form a single whole . . . there are no canons with a dogmatic or cultic content; the few which do touch on dogma and worship do not prescribe dogma or worship, but rather fix order in relation to dogma and worship; in other words they too are administrative canons" (P. CHRISTOU, *Ὁ νέος καταστατικός χάριτος τῆς Ἑλλαδικῆς Ἐκκλησίας*, p. 20 (duplicated text). Cf. V. ARCHONTONES, *op. cit.*, 27-28, n. 2 and FRANGISTAS, *op. cit.*, p. 34.

canons would be unshakable and unchangeable, yet at the same time unrealizable in many parts and forms. Or rather, since this is impossible in practice, the result would be that we should express great respect for the early canons in theory, while in fact becoming increasingly estranged from them in our laws and in practice. Whatever the case, the early canon would remain a treasure hidden in the field, to use the Gospel image, its owner unaware of it and not using it. Yet once the two elements are discerned in the canons, the intention as distinct from the forms, the aim of promulgating laws will consist in perceiving more deeply and correctly their fundamental principles, which are always and everywhere adaptable, in working them out as specific ordinances of positive law and in deriving from them, as first principles, new principles for whatever new conditions appear in life. The external forms of the early life of the Church as fixed in the early canons cannot bind the exercise of the Church's legislative power, when it finds them inapplicable and needing to be changed, adjusted or conformed to other requirements. These external forms do not constitute the essence of the canons: the integrity of the Church does not depend upon them, nor will they serve to prove that the Church persists faithful to itself and to those high purposes for which it was founded and exists. Only such as would disrupt the accomplishment of those purposes and would thus destroy the very essence of the Church — only such phenomena in the historical development of the Church's legislation would be a deviation from the fundamental principles on which the Church must firmly stand in its external organization and government. According to these principles and ideas, the significance of the early canon amongst the sources of ecclesiastical law and the relation of ecclesiastical legislation to it can be defined as follows: the ecclesiastical canon holds a position of primary significance among the legal sources, as a source from which the fundamental principles must be derived by the legislative power of the Church, to be developed and arranged in specific ordinances in accordance with the new ecclesiastical conditions. The external historical forms must not be given the same significance, because the forms can only be unchangeable when the conditions in the world are themselves unchangeable. For this reason we see in reality that many such forms have fallen into disuse and become part of the heritage of legal history. Even some of the most important ordinances of ecclesiastical organization have not withstood the effect of time and history: as witness the synodical principle, significantly altered in contemporary law. But behind the external forms is hidden the spirit of the early ecclesiastical laws, the fundamental principles which change form, but must not die and can be included and enshrined in new, wider and more comprehensive forms. This important work belongs to the highest ecclesiastical power, which has alone been given the right to recall to life what has been destroyed by time, to adapt the adaptable, to abolish what is unadaptable in practice, and to develop from the early principles new forms suitable for the period.<sup>1</sup>

The important and extremely sensitive work of altering the canons must nevertheless be carried out with great caution and only where there

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1. A. CHRISTODOULOS, *op. cit.*, 65-69.

is "great necessity", as Philaret of Moscow rightly emphasized,<sup>1</sup> and not from motives of superficial up-dating, nor with deliberate partiality, pre-conceptions and chauvinism, all of which unfortunately are apparent in Troitsky's theses. He speaks about a legal "equality of prerogatives" of the autocephalous churches, drawing a parallel between the canons and the principles of international law. He has no hesitation in maintaining that "in the contemporary period, when in many countries the Church has been separated from the State, neither the canons nor the practice of the Early Church can form the basis of ecclesiastical organization."<sup>2</sup>

As Meyendorff<sup>3</sup> properly asks, is such a parallel apt? I ask whether it is excusable. Can one really write about a legal "equality of prerogatives" of the autocephalous churches? Is not the Church secularized when the relations of its members with one another are seen in such a secular way?

Again, if the canons and the practice of the Early Church do not form the basis of the Church's administration, one is naturally faced by the question of what does. The answer is what clearly emerges from the Orthodox dogmatic teaching, according to which, as Troitsky later points out, "the sole bearer of sovereignty in the Church on earth is the entirety of its bishops, the will of which is expressed by its organs, in other words by the Oecumenical and local councils."

Since Troitsky maintains that the canons and practice of the Early Church cannot form a basis, how can he say coherently that the bearer of sovereignty in the Church on earth is the entirety of bishops, the will of which is expressed by the Oecumenical and local councils? The Oecumenical Councils have instituted canons and established ecclesiastical practice throughout the centuries, and Troitsky describes these canons and this practice. This seems a flagrant contradiction.<sup>4</sup>

As far as superficially updating the canons is concerned, Sesan indicates the danger of senselessly replacing the ancient canons with new ones, "simply and only because the new contemporary spirit in ecclesiastical life requires it," and he foresees that if the contemporary transient spirit in the life of the Church continues unchecked it will bring about its downfall,

1. From Ibid. p. 61, n. 1.

2. S. TROITSKY, 'Budem vmeste borot'sja s opasnotju,' in *Journal of the Moscow Patriarchate*, 1950, pp. 36-51.

3. J. MEYENDORFF, 'Κωνσταντινούπολις καὶ Μόσχα,' in 'Ἀρχεῖον Ἐκκλησιαστικοῦ καὶ Κανονικοῦ Δικαίου' 1949, 42.

4. Met. GERMANOS of Aenus, 'Ἀνταπάντησις εἰς τὸν καθηγητὴν Σ. Τρόϊτσκι,' in 'Ὁρθοδοξία' 1953, 20.

as this modernization could advance beyond the organization and structure of the Church and reach its dogmatic teaching. He writes that only where there is *utilitas evidens* and *necessitas urgens* and where it serves the accomplishment of the Church's soteriological purpose as was the case when they were enacted must the Church change the early canons.<sup>1</sup> "This we say, not to negate or overthrow what was enacted by the Apostles, but out of concern for the salvation and the improvement of the people," as canon twelve of the Council in Trullo defines it.

Therefore, to make use of the canons and to be within the bounds of propriety and canonicity means initially to know how to identify the eternal core in the text of a particular canon and how to find that side of the dogmatic teaching of the Church, and consequently to apply this eternal element in life, because there is reason in canonicity only in so far as the canon fulfils the reason for its promulgation.<sup>2</sup> Faith in the canons is consequently faith in the whole of the Church's tradition, and this faith, as Florovsky writes, does not mean faith in the external authority of the past, but is life, is a bond, connection and contract with the fulness of ecclesiastical experience. Reference to tradition is not simply historical proof, and is not the same as ecclesiastical antiquarianism.<sup>3</sup> The emergent yardstick of the ecclesiastical organization is thus not the dry text of the canon, but the living testimony of the Church's tradition which is impressed in the life and practice of the Church.

A true awareness of the essence of the Church is a factor of fundamental importance for the universal development of ecclesiastical administration. If we consider that the usage developed in the various periods was nothing other than a clear practical demonstration of this awareness, then we can easily estimate its importance for the administrative changes in the Church realized at different periods, because this awareness demonstrated successively through usage is the trustworthy witness of the faithfulness of the temporal *traditio constitutiva* to the authentic, canonical *traditio continuativa*.<sup>4</sup>

The practice of the Church, which will form the subject of the following chapter, illuminates certain obscure or imperfectly known points of our ecclesiastical history. It helps us to understand the canons correctly, showing us the way in which the Orthodox Church functions. It

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1. V. SESAN, op. cit., p. 316.

2. M. PETROVIĆ, 'Οἱ κανόνες καὶ λογὴς νόμος,' in *Glasnik*, 1967, 87, 88.

3. A. SCHMEMMANN, op. cit., 4-6.

4. B. PHEIDAS, op. cit., p. 334.

elucidates more and more the way by which the Church, although divided into large ecclesiastical areas acting independently of one another within their own canonical jurisdiction. does not thereby stop being one unique organic being, the One, Holy, Catholic and Apostolic Church, "built upon the foundations of the Apostles and Prophets, with Christ Jesus Himself being the corner-stone."<sup>1</sup>

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1. *Ephes.* II, 20-21. Cf. K. DELIKANES, *Πατριαρχικά Ἐγγράφα, II Prolegomena*, p. 4.

Chapter Six  
THE CANONICAL ROLE OF THE  
OECUMENICAL THRONE  
IN THE *PRAXIS* OF THE CHURCH

*The πρεσβεΐα in Practice.*

The position of predominance and leadership held by the Church of Constantinople amongst the local Orthodox churches is equally demonstrable from the life and practice of the Church. The Oecumenical throne's providence and succour have never been held back nor been found wanting; <sup>1</sup> not only where doctrine, holy tradition, canonical decrees or general issues affecting the whole body of the Church are concerned, but also in specific questions of concern to individual autocephalous churches. In these latter, the Church of Constantinople has intervened, sometimes of its own accord as if *ex officio*, sometimes at the request of the parties concerned. It has made a decisive contribution to solving disputes arising between churches and disagreements between pastors and their flocks. It has helped to prevent further difficulties, enabled ecclesiastical matters to return to their proper canonical orbit and reinforced the action taken by the leaders of the churches in question, whenever that proved inadequate. It has supported in the Orthodox faith the weak and unsteady and those who have been the victims of plots and has helped to avert the many moral and material dangers threatening the stability of the Churches of God. As Samuel I, the most distinguished Oecumenical Patriarch of modern times, wrote in 1766, the Oecumenical throne's providence and succour accorded with "the ancient privilege of the most holy Apostolic Patriarchal Oecumenical throne, which is accustomed with all prudence and after careful inquiries to hold out a helping hand and to provide for and procure the aid needed in each province and parish." <sup>2</sup>

It would be misleading to understand the Church of Constantinople's

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1. K. DELIKANES, *Πατριαρχικά Ἔργα* II, *Prolegomena*, pp. 4-5.

2. Ibid. III, p. 210.

position in the Orthodox Church as a new, arbitrary creation, originating and becoming consolidated in the situation prevailing in the East after the Conquest of 1453, because it goes back to much earlier years, to the period of the second Oecumenical Council, and perhaps even a little earlier. Since we have already spoken at length about Constantinople's prerogatives in action prior to the Council of Chalcedon, this chapter will deal with events in subsequent years, analysed in three periods: from Chalcedon to the fall of Constantinople, from 1453 to the nineteenth century, and from the nineteenth century to today.

*From the Council of Chalcedon to 1453.*

After Chalcedon, the Church of Constantinople's privileged position in the East occasioned no controversy and was self-apparent, being continually reinforced by new legislation. During this period, the outer limits of the Patriarchate of Constantinople were extended *de facto*, and its territories came to exceed in extent and importance all the other autocephalous sees of the East. During the seventh century, orthodox parts of the Armenian and Iberian Churches became subject to Constantinople. During the same century, but especially from the eighth century onwards, important new churches were founded as a result of Constantinople's missionary activity: the Churches of Serbia, Bulgaria, Russia and Wallachia. These churches came to form a new ecclesiastical *oecumene* during a period when the sees of Alexandria, Antioch and Jerusalem were declining and shrinking under foreign occupation. Some specific events may be cited here to support these statements:

1. During the Patriarchate of Anatolius, the long Monophysite schism began in Egypt, and it became necessary for the Bishop of Constantinople to act as judge over the Alexandrian throne. The orthodox clergy of Alexandria, together with the orthodox bishop Proterius, made representation to the Emperor, condemning the Monophysite Timothy Aelurus, who had usurped the throne. The Emperor, Leo I, referred the case to the judgement of Anatolius and his synod, who in 458 condemned Timothy.<sup>1</sup>

2. Anatolius' successor Gennadius (458 - 471) continued to exercise control over the affairs of the Alexandrian Church. He succeeded in ha-

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1. ANDREEFF, *Konstantinopolskie Patriarchi* (ot 451 do 846), 1895, pp. 228-229.

ving Timothy exiled once again, and in having the orthodox Timothy Salophaciolus elected in Alexandria.<sup>1</sup>

3. The Monophysite struggles in Antioch led its Archbishop Martyrius to make representations to Gennadius in Constantinople. Gennadius interceded on Martyrius' behalf with the Emperor, Leo I, and received full imperial powers to deal with Martyrius' adversary, Peter the Fuller. Peter, however, had the secret backing of the *Magister Militum per Orientem*, Zeno. Martyrius then realized he was betrayed, and disdainfully abandoned his throne to the intriguers. Gennadius, however, succeeded in having Peter the Fuller exiled by the Emperor and replaced on the Antiochene throne by the orthodox Julian.<sup>2</sup>

4. The bishops of the Asian diocese called Acacius of Constantinople (471 - 479) "most holy and reverend patriarch of the most holy church of the sovereign city of Constantinople, New Rome." Le Quien writes (*Oriens Christianus* I, p. 62): "Acacius first of all *vere et proprie* instituted the Patriarchate of Constantinople with the cooperation of the political power of the Emperor Zeno." Thanks to the centuries-long doctrinal quarrels the Bishops of Constantinople emerged as *de facto* patriarchs of the entire Eastern Church, because in the capital the struggle with Monophysitism was waged by imperial policy with the collaboration of the Patriarchs of Constantinople.

During the years of Zeno's exclusion from the imperial throne, Peter the Fuller, as the candidate of the Monophysite faction, once again occupied the throne of Antioch. Once Zeno returned to power, however, Peter was deposed by the Synod of Antioch and was replaced by the orthodox Stephen II. Acacius and his Resident Synod (*Ἐνδημοῦσα Σύνοδος*) received a letter from Stephen containing the news of his election and in 478 confirmed the action of the Synod of Antioch.<sup>3</sup>

5. During the reign of Anastasius (491 - 518) and the Patriarchate of Macedonius II (496 - 511), the Monophysite monks of the Monastery of Maïuma, led by the famous Severus, arrived in Constantinople and condemned the Archbishop (Patriarch) of Jerusalem, Elias. In the capital the case was construed as involving both the Emperor and the Patriarch. The intriguers certainly contributed to the dethroning and

1. Ibid. 237-238.

2. Ibid. 238-239. T. BARSOV, *Konstantinopolskij Patriarchi i ego vlast nad Rousskojou Tserkovjou*, pp. 85-86.

3. Ibid. pp. 89-93. See A. KARTASCHOFF, 'Τὸ τῆς ἐκκλησίας δικαίωμα τῶν Οἰκουμενικῶν Πατριαρχῶν ἐν τῇ πράξει,' in *Ὁρθοδοξία* 1948, 287-288.



exile from Constantinople of Patriarch Macedonius. The throne of Antioch was occupied by Severus. Everything, however, changed directly after the death of the Monophysite Emperor Anastasius.

6. The Emperor Justin (518 - 527) changed policy abruptly. The Patriarch John II (518 - 520) anathematized Severus. The Emperor exiled him, and in his place at Antioch the Patriarch Epiphanius of Constantinople installed Paul, who was elected in Constantinople.<sup>1</sup>

7. During the reign of Justinian (527 - 563) and the Patriarchate of Menas (536 - 552), the Pope of Alexandria Theodosius, a moderate Monophysite, arrived in Constantinople and condemned the extreme Monophysites of Alexandria, the so-called Gaianites. However he found himself accused in Menas' synod and deposed. In his place Paul of Tabennesi was installed by Menas with the participation of legates from the Pope of Rome and the Patriarch of Antioch. In 572, again on his own initiative, Patriarch John III Scholasticus installed John IV as Archbishop of Alexandria and deposed Anastasius of Antioch, replacing him with Gregory.<sup>2</sup>

8. While John IV, the Faster, was patriarch in Constantinople (582 - 595), this Gregory appeared in Constantinople to defend himself against the charges against him. The patriarch did not accept Gregory into communion, in spite of the strong backing he had at Court, and condemned him in his synod.<sup>3</sup>

With the spread of Islamic rule over the Patriarchates of Alexandria, Antioch and Jerusalem during the second half of the seventh century, which took them out of the Byzantine Empire, their life became in effect more or less independent, although they shrank and lost their power. As a result, when they were later joined for various periods to the Patriarchate of Constantinople (by reconquest) the primacy of Constantinople became more clearly apparent.

From the time of Antioch's conquest by the Persians in 611, the Patriarchs of Antioch lived in Constantinople as refugees and were elected there. For this reason, the Patriarch Macarius of Antioch, for example, took part in the sixth Oecumenical Council held in Constantinople in 680, and was condemned for Monophysitism. In his stead, Theophanes, one of the monks from Sicily, was installed by Patriarch George of Constan-

1. T. BARSOV, *op. cit.*, p. 100.

2. *Ibid.* p. 102.

3. *Ibid.* p. 102. ANDREEFF, *op. cit.*, pp. 265 and 281.

linople. Only in 742 did the Arabs allow the Orthodox Patriarch to live in Antioch. When in 970, during the reign of Nicephorus Phocas, Antioch was re-annexed to the Empire, the Patriarchs of Antioch were again regularly elected and installed in Constantinople. The treaty concluded between Alexius Comnenus and Bohemond I prescribed that a bishop must be sent from Byzantium to Antioch. According to Cinnamus, when Manuel Comnenus defeated the Crusaders in 1156 and recaptured Antioch, he made an agreement with its Duke, Reynald de Châtillon, in which he included the clause: "and a bishop is to be sent from Byzantium to Antioch according to the ancient custom." <sup>1</sup> The *status quo* which resulted from this treaty was to prevail afterwards. The Patriarchs of Antioch resided in the Patriarchate of Constantinople in the capacity of titular bishops until 1263, when Antioch was occupied by the Turks, who allowed the Orthodox Patriarch to return to his throne." <sup>2</sup>

The Patriarchs of Jerusalem incurred a similar down-grading when the city was occupied by the Arabs in 638, although they were not expelled until 1099, when the city was occupied by the Crusaders. Until Mameluke rule was established in Jerusalem in 1186, the Patriarchs resided mainly in Constantinople, where a special place was set aside for them, called τὰ Στεῖλαι. They participated in the life of the whole Orthodox Church and in the religious issues which arose at that period and took part in synodical gatherings with the Oecumenical Patriarchs. <sup>3</sup>

Two demonstrations may be given of Constantinopolitan intervention in the other patriarchates' affairs, in accordance with the privileges granted the Oecumenical throne in the early years.

1. The Oecumenical Patriarch Lucas Chrysoberges (1156 - 1169) exercised the prerogative of "reviewing and setting right disputes occurring in the other thrones and putting an end to the judgements." On the basis of this, he quashed the sentence of deposition passed against John, Bishop of Amathus, by the Archbishop John of Cyprus and his synod, on the grounds that its publication was quite incompatible with the relevant stipulations of the canons. <sup>4</sup>

1. CINNAMUS, ed. Bonn, p. 193: "And he bound himself with oaths to many other things which the Emperor required, including the stipulation that a bishop should be sent from Byzantium to Antioch," v. also K. PAPARINGOPOULOS, 'Ιστορία τοῦ Ἑλληνικοῦ Ἐθνους IV, 132-133 and GENNADIUS of Heliopolis and Thira, 'Τὰ ἰδιαιτέρα δικαιώματα τοῦ Οἰκουμενικοῦ Πατριάρχου,' in 'Ορθοδοξία 1931, 207.

2. KARTASCHOFF, op. cit., p. 290.

3. Ibid. p. 290.

4. "After the Bishop of Amathus had been deposed by the Archbishop of

2. In 1355, after two hundred years, the Oecumenical Patriarch Callistus I recalled to canonical order the Archbishop of Trnovo and all Bulgaria. He had been dignified by the Patriarch Germanus II (1226 - 1240) in the Council of Lampsacus of 1234 with the honorary title of patriarch, "but he is not included amongst the other most holy patriarchs, and for this reason he is not included in the holy Diptychs . . ." The Bulgarian Archbishop was attempting to claim real patriarchal prerogatives. He had released himself from the canonical jurisdiction which the Patriarch of Constantinople held over him. Patriarch Callistus wrote: "and if the throne of Constantinople reviews, disposes and approves the judgements of the other Patriarchs of Alexandria, Antioch and Jerusalem and gives them authority, as the holy canons declare plainly and deeds bear witness to, how is not this throne so much more the lord of the Church of the Bulgarians which was honoured in being named by it?"<sup>1</sup>

The outstanding position occupied by the Oecumenical Patriarchate in the East, its great work of civilizing, its serious contribution to the propagation of Christianity and to the return of many heretics to orthodoxy, the progress made within it in ecclesiastical literature and theological study in general — all these gave certain of the Constantinopolitan Patriarchs the opportunity to name their church "the common glory and boast of Christians of the entire *oecumene* and root and source of godliness."<sup>2</sup>

Patriarch Esaias (1323 - 1334), writing to a group of Armenians who wished to return to orthodoxy, said:

We offer you and all who wish to be and to be called Christians a mother's word, as you also are scrupulous. For the holy doctrines of godliness come from us and prevail throughout the *oecumene*; the teachings of the holy fathers and the divinely inspired legislation of the holy councils are poured out from us as from a fountain into the fulness of the Church.<sup>3</sup>

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Cyprus, John, and the edict of deposition read from the imperial rostrum, seeing that the eleven bishops and the Archbishop who had made the deposition were there, the most holy Patriarch Lucas, with his synod being present as well as the Senate, resolved that the deposition was invalid, because the entire synod of the Church of Cyprus had not been summoned, nor even the majority of them, which would have been easy, and because the Archbishop was not distinct from the twelve bishops, but was (numerically) included amongst them" (G. RHALLER and M. POTLES, op. cit., III, 324, commenting on the 18th canon of the Council of Carthage).

1. F. MIKLOSICH and J. MÜLLER, *Acta Patriarchatus Constantinopolitani*, I, 37-439.

2. GENNADIUS of Heliopolis and Thira, op. cit., p. 407.

3. F. MIKLOSICH and J. MÜLLER, op. cit., I, p. 150.

The contribution of the Church of Constantinople to the Christianization of Russia is well known. The first missionaries were sent from Constantinople, and until the City's fall in 1453 the Metropolitans of Russia were nominated by the Oecumenical Patriarchs, with a few exceptions, such as the nomination of Jaroslav in 1051. In administering his church, the Metropolitan of Russia exercised almost patriarchal power, but would refer difficult cases to Constantinople. As often as circumstances allowed, he would take part in the functions of the Resident Synod in Constantinople.<sup>1</sup> This can further be seen from such documents as the reply of the Patriarch John XIV to the Metropolitan of Russia who had written to tell him of miracles involving the relics of his predecessor and to ask for guidance.<sup>2</sup>

In 1347, the Emperor John VI Cantacuzenus invalidated in the name of the Oecumenical Patriarch and his synod the illegalities which had taken place as a result of the transfer of the metropolitical see to Moscow. With the synod, the Emperor decreed that "the most holy bishoprics of Little Russia, that is to say Galich and the others, be immediately reestablished under the most holy Metropolis of Kiev, as my throne and my most holy master the Oecumenical Patriarch and his synod have specified before . . . and the whole of Russia, Great and Little, is to be tended by one metropolitan," who would bear the title "most honourable Exarch of all Russia."<sup>3</sup>

A little later, the Oecumenical Patriarch once again intervened. He called the Bishop of Novgorod to "obedience and submission and honour" to the Metropolitan Alexius of Kiev and deposed a certain Theodore, who had been sent to Kiev as Metropolitan of Southern Russia by the Archbishop of Trnovo.<sup>4</sup>

At the request of Theognostus of Russia, the Patriarch Philotheus had earlier appointed Alexius, Bishop of Vladimir, as his successor as the Russian Metropolitan on condition that from then onwards the Metropolitans would be sent from Constantinople:

Apart from this Alexius alone, we do not permit nor allow anybody else at all from Russia to become Metropolitan there: rather a man from . . . Constantinople who takes pride in virtue and good manners, learned and trained in the art of speech, learned and experienced in the laws of the Church, so that he will

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1. PH. VAFHIDES, *op. cit.*, II, p. 293.

2. F. MIKLOSICH and J. MÜLLER, *op. cit.*, I, p. 191.

3. *Ibid.* I, pp. 261, 263 and 265.

4. *Ibid.* I, 347 and 350.

be able to resolve beneficially after due ecclesiastical and canonical investigation such canonical questions as arise and may lead the Christian people there to saving pastures answering to himself and dependent upon no one else . . .

The beginning of the synodical document is characteristic in the precision with which the prerogatives of the Mother Church are defined:

The Holy, Catholic and Apostolic Church of God, in accordance with the invincible power and might given it from above by the grace of Christ, ever ordering all things for what is always most profitable, declares its concern and diligence that all the most holy churches existing everywhere should be governed and managed well and according to the law of the Lord. It shows very special care and concern for such churches as are dispersed far and wide, distinguished by large and disparate populations and by the supremacy of a royal power. It accomplishes its duties and obligations, which involve the cure of souls, consecration and welfare.<sup>1</sup>

Around that time, the synod decreed that for political reasons Vladimir was to be the see of the Metropolitan of Kiev and all Russia,<sup>2</sup> and jurisdictional unity was realized in Russia in the person of Alexius. During the ensuing quarrels between Alexius and Romanus, Bishop of Lithuania, the position of the Oecumenical Patriarch Philotheus was once again important: Constantinople dispatched two representatives to Russia to reconcile the adversaries.<sup>3</sup>

Similarly, after Alexius' death, antagonism between Poemenus and Cyprian was settled in Constantinople by the Oecumenical Patriarch Antony in Cyprian's favour.<sup>4</sup>

Two acts of Patriarch Nilus (1380 - 1388) merit special attention: the first is the nomination of the monk Cassian to be Metropolitan of Vodena in Bulgaria, at the request of the Bulgarian Emperor John Stracimir.<sup>5</sup> The official nomination begins:

Your humble servant, entrusted by the ineffable judgement of God with the protection of the Oecumenical Church, does everything that is profitable so that the most holy churches of Christ which are everywhere throughout the *oecumene* subject to his dominion may become rich in pastors and protectors, for the spiritual benefit of the Christian people.

In the same letter, the Patriarch praises the Bulgarian Emperor:

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1. Ibid. I, 336.

2. Ibid. I, 351.

3. Ibid. II, 425, 434.

4. Ibid. II, 116.

5. M. GEDEON, *Πατριαρχικοί Πίνακες*, p. 442.

... who by his wisdom, education and good character which make him an admired and gifted emperor and ruler nourishes great faith for God Himself and for the great and most holy Church of God, the common glory and boast of the Christians of the entire *oecumene* and the very root and fountain of godliness.<sup>1</sup>

The second is the letter of Patriarch Nilus mentioned earlier, which contains a very interesting exposition of the official teaching of the Oecumenical Church on the patriarchal prerogatives. In this letter, the Patriarch starts from the assertions of the Metropolitan of Thessalonica that he should be exempted from patriarchal authority in settling certain ecclesiastical and monastic questions.

The Metropolitan of Thessalonica had invoked the Apostolic Canons to demand equal rights between bishop and patriarch. Nilus answers him by retracing the history of the patriarchal thrones and expounding the prerogatives awarded them by the councils. He writes:

I wonder therefore how you can cite the Apostolic canons in connection with the patriarchal privileges. For where was the rank and institution of patriarch in the days of the Apostles? But the canons of the Apostles merely legislate for all the bishops, and the patriarchs, as bishops, are subject to these canons, although as first and head of the bishops, they have their own canons, promulgated subsequently by the holy Fathers, dating from the time when the rank of patriarch was created, and the Empire was divided into five sections, and if anyone wishes to learn the privilege of the patriarch, he will learn it from the sacred canons of the holy and oecumenical fourth council, from the ninth (canon), I say, and the seventeenth. So that we may avoid a lengthy diatribe, I wish to pass through them in few words. And it is not to be said that they do away with the canons of the Apostles, for how (can this be) when the latter do not mention patriarchs? For the Apostles had no need to legislate about what had not yet come about, but the Fathers legislated and fixed the rank, and gave the appropriate privilege to each one, when the patriarchates were established, (and this legislation is to be found) not only (in) the afore-said canons, but (in) many others as well, which also gave the right of hearing appeals to the patriarchs, and particularly to the throne of Constantinople. These canons were also ratified by the laws of the famous Emperors and by the custom prevailing from those days and lasting until today, which, even if it were nothing else, was sufficient by itself to give form to the practice, by virtue of its having been ratified by so long a period of time. Listen to the laws which clearly speak:

"Supervision and care for all metropolises and bishoprics, monasteries and churches, as well as judgement, condemnation and acquittal, are the prerogative of the appropriate patriarch. The President of the Constantinopolitan Church is authorized to give *stauropegia* in the jurisdictional areas of other thrones,

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1. F. MİKLOSICH and J. MÜLLER, *op. cit.*, II, 28.

where there has been no previous consecration of a shrine; he may even consider and deal with such disputes as occur in the areas of other thrones and even bring them to judgement."

If, therefore, we have permission to act in such a manner in the other provinces, how have we not permission to act so in our own? Even Your Reverence does not contradict this.<sup>1</sup>

Another patriarchal letter, addressed to the Patriarch of Antioch, also contains interesting material. Its dating has not been fixed precisely, but it was written to invite him to the Monastery of *Panagia Hodegon* in Constantinople, which had been granted to the Patriarch of Antioch. He was requested to restore order in the monastery. Amongst other things the document states:

If the patriarchal throne of Constantinople, being oecumenical, has for long on the authority of the holy canons held the privilege of investigating and examining pressing ecclesiastical questions arising in the churches throughout the *oecumene*, it has a much greater claim to do the same in its own city, in which the imperial throne is fixed by God's judgement and imperial decision . . .<sup>2</sup>

As mentioned earlier, the Archbishop of Trnovo owed his lofty title of "Patriarch of Bulgaria" to the Oecumenical Patriarch Germanus II. However, after the city's conquest by Sultan Beyazıt in 1393, the Patriarch Antony IV authorized the Metropolitan of Morlacchia to exercise the functions and prerogatives of supervising the Church of Trnovo.<sup>3</sup>

The Archdiocese of Peć was proclaimed autocephalous in 1219 by Patriarch Manuel, whose see was in Nicaea as a result of the Latin conquest of Constantinople in 1204. However, the proclamation of the Serbian ruler Stefan Dušan as King and Emperor of the Serbs, Romans, Bulgarian and Albanians resulted in the arbitrary declaration of the Archbishop of Peć, Joannicius, as Patriarch of the Serbs and Greeks on the sixteenth of April 1346 in Skopje. This provoked disagreement and rupture with the Oecumenical Patriarchate, which at that time disapproved of the promotion.<sup>4</sup>

A little later, however, during the Patriarchate of Philotheus, the Kral of Serbia restored ecclesiastical relations. The relevant instruments

1. F. MIKLOSICH and J. MÜLLER, op. cit., II, 39-40.

2. Ibid. I, 380. Although this document was written to justify a prerogative, it is remarkable for its tact and fraternal tone.

3. F. MIKLOSICH and J. MÜLLER, op. cit., II, 223.

4. G. KONIDARES, *Ἡ Ἑλληνικὴ Ἐκκλησία ὡς πολιτιστικὴ δύναμις ἐν τῇ ἱστορίᾳ τῆς χερσονήσου τοῦ Αἰῶνος*, p. 127.

restoring canonical relations have been preserved, including a letter of the Serbian Despot John Uglješa, dated 1368,<sup>1</sup> which places his country under the jurisdiction of the Constantinopolitan Church, and an act of Patriarch Philotheus on the restoration of relations.<sup>2</sup>

Sokoloff's *Tò Βυζάντιον, φύλαξ τῆς ὀρθοδοξίας* contains a particularly interesting contribution on the activity of the Oecumenical throne during this period:

Orthodoxy has created the living organism binding the whole body of Orthodox autocephalous churches as sisters. The Church of Constantinople holds the position of primate amongst these churches; founded on the doctrines and canons of the oecumenical Church, the Church of Constantinople never, in spite of all its privileges, set out to subjugate the other Eastern churches, Alexandria, Antioch, Jerusalem and Cyprus, although Byzantine history provided a number of pretexts for such tyranny. All the Eastern churches accordingly preserved the autocephalous status they received during the period of the Oecumenical Councils. While keeping their independence, they still remain in close contact and mutual union with each other and form a whole, a living organism. As a unifying and binding principle among them, uniting them with doctrines and a fundamental canonical code, oecumenical Orthodoxy preserves for each church its original autocephaly and binds them all perpetually as sisters in identical ecclesiastical aims, without lessening or oppressing the independence of any of the churches.

Yet as well as this, the Church of Constantinople, which had ensured for itself in history the rôle of bold and faithful guardian of Orthodoxy, also communicated this treasure to its neighbouring peoples. It played an important rôle in missionary work, displaying love and meekness to the peoples enlightened by Orthodoxy. It was intelligently restrained in its dealings with the new spiritual children, whom it cared for like a mother. It conducted its missionary activity without choking the national vitality of the neighbouring peoples or compulsorily drawing them into spiritual unity by fraudulent proselytizing methods. Its methods were clear open witness to the truth, the Apostolic confession of oecumenical Orthodoxy and summoning its neighbours in full love to unity with the Lord Jesus and His Church. When the newly-formed church communities came of age in Christ, they would be given the status of autocephalous churches. United in Orthodoxy, they would enter freely and with one voice into unity with the Apostolic Eastern Churches as their spiritual sisters and as spiritual daughters of the one Eastern Orthodox Catholic Church.

The Church of Constantinople rejected absolute forms of church government and exemplified in its own higher administration an organic fusion of the individual principle in the person of the Byzantine patriarch and the synodical

1. F. MIKLOSICH and J. MÜLLER, op. cit., I, p. 562 and K. DELIKANES, op. cit., III, 769.

2. F. MIKLOSICH and J. MÜLLER, op. cit., I, 560-564 and K. DELIKANES, op. cit., III, 772.



principle in the permanent holy synod and the extraordinary synods. The synodical principle was further consolidated by the participation of the Eastern patriarchs — Alexandria, Antioch and Jerusalem — in the permanent synods in Constantinople, and to a much greater extent in the local synods. Because of political circumstances in their patriarchates, the three other patriarchs lived for the most part in Constantinople, looking after their own churches from there as far as possible. However, the long and involved political life in Egypt, Syria and Palestine and the poverty of the orthodox churches there in no way affected their autocephaly. This autocephaly did not suffer either from the influence of strong Oecumenical Patriarchs, because they never put forward papal claims upon the Eastern Churches, absolute primacy and sovereignty being alien to them. On the contrary, they would always be quick to approach the suffering patriarchates in the capacity of helpers, to work together with them in love in their difficult circumstances. This again demonstrated Constantinople's faith in the oecumenical principles of ecclesiastical order and administration.<sup>1</sup>

*From 1453 to the Nineteenth Century:*

*The Oecumenical Patriarch in the Ottoman Empire.*

The position of the Oecumenical Patriarch in the early Ottoman Empire following the Conquest is well known historically. From 1453, the Oecumenical Patriarch was recognized not merely as a religious leader, but to some extent also as a political leader: Ethnarch, or in Turkish *Millet Başı*, of the entire *Rum Milleti*, which comprised the entirety of orthodox people within the empire. He was entitled to judge and administer according to Christian law and was responsible for the political loyalty of the Christians. In his capacity of *Millet Başı*, the Oecumenical Patriarch was answerable to the Sultan alone and held a position far above all the other patriarchs in the new Ottoman state. This was clearly demonstrated in 1517, when Egypt, Syria and Palestine were taken by the Ottomans from the Arabs, and the three other patriarchates were united in one state, as sections of the single *Rum Milleti*, the one Christian people. As *Millet Başı*, the Oecumenical Patriarch, received full and explicit powers from the Sublime Porte to rule over this *millet*, even over the other patriarchates, and to act as intercessor between them and the government in patriarchal elections, in the ratification of their *Berats* and in any activity where decisions or decrees from the government were absolutely essential. These included granting a patriarch permission to come to Constantinople.<sup>2</sup>

1. J. SOKOLOFF, 'Τὸ Βυζάντιον, φύλαξ τῆς Ὁρθοδοξίας,' offprint from *Ἐκκλησιαστικὸς Φάρος* X-XI, 49-50, in particular 38-39.

2. A. KARTASCHOFF, *op. cit.*, in *Ὁρθοδοξία*, 1948, 292.

The position of the Oecumenical Patriarchate in the Sultan's capital, invested with authority and splendour deriving from its long and illustrious past, became such that the Sultans in the *Berats* authorizing the election of Oecumenical Patriarchs explicitly noted:

The patriarchs of the other areas are to conduct their business through the Patriarch of Constantinople.<sup>1</sup>

Apart from its intermediary and representative functions, the Oecumenical Patriarchate also kept a watch over the external and internal life of the other three patriarchates, because of their unstable position and gradual decline. It did the same for the other autocephalous churches. There are numerous examples of the Oecumenical throne's exercising its duty and prerogative of intervening *when necessary* in the affairs of the other autocephalous churches, and of providing for their welfare. Some of these examples referring to the relations of the Oecumenical Patriarchate with the Churches of Alexandria, Antioch, Jerusalem, Russia and Cyprus are included below.

#### *The Patriarchate of Alexandria.*

a) In 1660, the Oecumenical Patriarch Cyril Lucaris in a synod of the twenty five resident bishops in the patriarchal Church of St. George elected the Archimandrite Gerasimus Patriarch of Alexandria.<sup>2</sup>

b) In 1665, the Oecumenical Patriarch Parthenius with his holy synod deposed the Patriarch Paisius of Alexandria "who had abandoned his patriarchal throne for a considerable time and had not been heard of in any of the cities in the mighty empire."<sup>3</sup>

c) There are further accounts of other Alexandrian Patriarchs' being elected in Constantinople by the Oecumenical Patriarchs and their synods. Only the following can be mentioned here: Cosmas of Alexandria by Neophytus VI (1737),<sup>4</sup> Matthew by Paisius II (1746),<sup>5</sup> Cyprian by Samuel I (1766),<sup>6</sup> Gerasimus by Gabriel IV (1783),<sup>7</sup> Parthenius by Pro-

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1. GENNADIUS of Heliopolis and Thira, op. cit., in *᾽Ορθοδοξία*, 1931, 409.

2. K. DELIKANES, op. cit., II, 5 and 6.

3. Ibid. 7-9.

4. Ibid. 33, 36.

5. Ibid. 39.

6. Ibid. 41.

7. Ibid. 42.

copius I (1788),<sup>1</sup> Theophilus by Callinicus V (1805),<sup>2</sup> and Hierotheus I by Meletius.<sup>3</sup>

In later years, at the request of the clergy and people of Alexandria, their patriarchs were elected in Constantinople. This practice lasted until May 1870, when an outstanding prelate was elected to the Alexandrian throne, the former Oecumenical Patriarch Sophronius (1870 - 1899).

These accounts and other relevant patriarchal documents to be found in the manuscripts of the patriarchal Treasury indicate that the Constantinopolitan throne continued its ancient privilege of providing for the spiritual needs of the other patriarchal thrones. It not only ensured that suitable persons were elected to the Alexandrian throne and deposed those who neglected their pastoral duties; it also supported the Alexandrian throne materially and morally, allowing contributions to be collected in the Constantinopolitan jurisdictional area for its support.<sup>4</sup>

Since the Oecumenical throne's profound awareness of its responsibilities towards the other sister churches is analysed very expressively in some of these accounts, the most typical of them are inserted here verbatim. In the minutes of the election of Matthew to the throne of Alexandria during the Patriarchate of Paisius II we read:

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1. Ibid. 44.

2. Ibid. p. 46. In October 1805, during the Patriarchate of Chrysanthus, Theophilus was deposed, "because he lived for seven years on Patmos and neglected his flock."

3. Before his death, Hierotheus designated his successor to the Great Church, apparently at the request of those who were the predominating party in Alexandria. The Great Church, however, managed to reject Hierotheus' claim, and when he died in 1859 the Alexandrian Church was obliged to elect Callinicus of Thessalonica (1858-61), who was nominated by Constantinople. For reasons of health, Callinicus submitted his resignation in January 1861 to the communities of Alexandria and Cairo, but since they disagreed over the election of his successor, Callinicus sent his resignation to the Oecumenical Patriarchate, which with the agreement of the other patriarchs and Callinicus proceeded to elect James of Cyzicus (1861-65). After James' death, long struggles began between the ecclesiastical factions in Alexandria, which continued to provide pretexts for fresh appeals to the authority of the Oecumenical Patriarchate, until the election of Sophronius, former Oecumenical Patriarch, to the Alexandrian throne. This not only ensured peace, but also brought about the reform and raised the prestige of the ancient throne (PH. VAPHIDES, op. cit., III, 2, 264-266 and A. KARTASCHOFF, 'Τὸ τῆς ἐκκλησίας δικαίωμα τῶν Οἰκουμενικῶν Πατριαρχῶν ἐν τῇ Πράξει,' *Ὁρθοδοξία* 1948, 294).

4. Archim. KALLISTOS, *Ὁ Πατριαρχικὸς Οἰκουμενικὸς Θρόνος Κωνσταντινουπόλεως καὶ τὰ δικαία καὶ προνόμια αὐτοῦ ἐπὶ τῶν λοιπῶν ἐν Ἀνατολῇ ὀρθοδόξων Ἐκκλησιῶν*, p. 22.

The Holy and Great Church of Christ, in addition to its other privileges and possessing as its principal privilege care for all the churches, is the common, affectionate mother and head not only of its near, but also of its distant members and parts. It wisely and protectively provides for all and spreads out its maternal arms over them. Supplying gifts and gratuities, it is used to helping them in different helpful ways, so that no church is deprived of its functions, for nothing it does is improvident or slovenly . . .<sup>1</sup>

On the occasion of Hierotheus' election as Patriarch of Alexandria, the Oecumenical Patriarch Chrysanthus I sent an encyclical to the metropolitans, clergy and people of that throne. This encyclical is no longer extant. It indicated that Theophilus of Alexandria was deposed by the providence of the Oecumenical Patriarch, and the former Bishop of Nicaea, Hierotheus, was elected in his place. The Alexandrians, it specified, must submit to him:

... Our most holy, patriarchal, Apostolic and Oecumenical throne does not concern itself with disposing only of its own affairs and with the stability of church affairs relating to it alone, but extends its concern to the interests of the other most holy thrones as well. For this reason also it has the privilege of being *Oecumenical*. It has never ceased from early times to act fraternally on the appropriate occasions, or to give every assistance to meet the needs and requirements of the other most holy thrones. Its aim was the strengthening and spiritual salvation of the whole congregation in those thrones who bear the name of Christ; it believes that its obligation to manifest this concern is the first and most proper of all its obligations.<sup>2</sup>

Another interesting and characteristic incident occurred in 1702, when the Oecumenical Patriarch Gabriel III addressed two synodical letters to Gerasimus of Alexandria, criticizing him for introducing into the Liturgy the practice of not intoning audibly the words of Divine Institution: "Take, eat . . . Drink ye all of this . . ." The first of these letters runs:

For since our Church does not accept the slightest falsification nor permit its most beautiful and ancient institutions to be adulterated or falsified, it does not know how Your Beatitude has had the effrontery to devise this and to throw into confusion the ecclesiastical harmony and order that has been established from the beginning, which ought in all and through all to be unshakenly preserved and guarded, whereas we know well that if even the slightest innovation slips in as a result of such a licence to innovate, what we have will fall into decline. For the human is always fond of disturbance and welcomes innovation. And for this reason we hold with clenched teeth not only to the ecclesiastical doctrines, but also to every custom, and we guard the order and the form with

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1. K. DELIKANES, *op. cit.*, II, 39-52.

2. *Ibid.* II, 52.

great precision and much industry; and we are anxious to hand over to those who come after us in its entirety what we have, exactly as we received it, guarding unadulterated the talent entrusted to us . . . Your Beatitude should preach these things and prevail upon your flock to consider them devoutly; for this reason, Your Beatitude should not make the slightest attempt to innovate. But once Your Beatitude has corrected the recent innovations, and you have restored the previous good order, you should write as soon as possible to tell us what has been done in a private letter, *lest we be compelled to supervise you more stringently* . . .

In the second letter, we find the following:

This being the case, the tradition must be kept unshaken even by Your Beatitude, and the alteration and retrogressive innovation you have made must cease. As your brother and friend we now counsel this to Your Beatitude and hope you will do as we suggest, in other words that you will act in conformity with the stipulation of the Church on this matter, as handed down through the centuries . . . If you allow the alteration you introduced to continue in use there, then you must want this Oecumenical throne to do what it must do; among other things, this throne has acquired the privilege of directing and governing the Christian congregation everywhere in the right doctrine of the Church and in the edicts and traditions it has had from the beginning, and of keeping watch rigorously over those who deviate from the ecclesiastical regulations and traditions.<sup>1</sup>

#### *The Patriarchate of Antioch.*

The same protective care and support were to be seen in the Oecumenical Patriarchate's dealings with the Antiochene throne during the Ottoman period; particularly during the last three centuries, when, to safeguard the Antiochene Church, the Oecumenical throne deposed unworthy patriarchs and metropolitans and provided many other forms of material and moral support.

In 1591, the Oecumenical Patriarch Jeremias II arbitrated in the dispute between Michael III of Antioch and his antagonist Joachim V.<sup>2</sup>

In 1672, the Oecumenical Patriarch Dionysius IV and his synod deposed the Patriarch Cyril of Antioch, who was a minor. As grandson of the dead Latin Patriarch Macarius III, he had acquired the patriarchal throne at the instigation of the Governor of Damascus. In his place, Dionysius and his synod elected Neophytus of Emesa (Homs).<sup>3</sup>

1. Ibid. II, 10-16.

2. Cf. KOROLEVSKIJ, 'Antioche,' in *Dictionnaire d'Histoire et Géographie ecclésiastique*, XIV, col. 637.

3. K. DELIKANES, op. cit., II, pp. 155, 159 and 165. Although he was deposed

In 1718, the Oecumenical Patriarch Jeremias III convoked a great synod, in which the former Oecumenical Patriarchs Athanasius and Cyril, the Patriarch of Jerusalem Chrysanthus and ten resident bishops took part. The synod deposed Euthymius of Tyre and Sidon, one of the bishops of the Patriarchate of Antioch.<sup>1</sup> In 1720, the same patriarch and his synod elected the former Patriarch of Antioch and later Archbishop of Cyprus Athanasius as Patriarch of Antioch.<sup>2</sup> In 1724, after Athanasius' death, Jeremias and his synod elected the former Bishop of Drama Joachim Patriarch of Antioch.<sup>3</sup> It then emerged, however, that Patriarch Athanasius had designated on his death-bed his protosyncellus Silvester as his successor. The instrument of Joachim's election was at once invalidated, and Silvester elected.<sup>4</sup>

Meanwhile, however, Seraphim, the nephew of Euthymius, the deposed Bishop of Tyre and Sidon, was improperly consecrated by three unauthorized persons and illegally ascended the throne of Antioch as Cyril III. In 1726, Jeremias III and his synod deposed him along with his collaborators.<sup>5</sup> In 1728, with the acquiescence of Silvester of Antioch, the Oecumenical Patriarch Paisius II deposed the Latinizing Metropolitan of Aleppo Gerasimus, replacing him with Gregory. The minutes of the Aleppo election, after Gerasimus' deposition and exile, begin:

The patriarchal Oecumenical throne has been given by the Oecumenical Councils and imperial edicts bestowed upon it the privilege not only of looking after and caring for the churches subject to it, but also of giving proper administration to the churches everywhere and to all congregations, as it was entrusted with general authority, particularly in matters of dogmas or worship, where the danger threatens the vitals. For then it has an obligation to provide help in every necessity, to arrange and order the suffering parts of the Church, and to disregard none of the factors relating to the substance of the Church and flock. So, since the most holy metropolis of Berrhoea in Syria, now named Aleppo, was unprotected . . .<sup>6</sup>

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by Dionysius IV in 1672, it appears that Cyril was subsequently pardoned by the Church, because at the election of Athanasius in 1720, Jeremias III regarded him as the canonical Patriarch of Antioch (PH. VAPHIDES, *op. cit.*, III, 2, p. 269, n. 3).

1. K. DELIKANES, *op. cit.*, II, 638-641.

2. *Ibid.* II, 172-177.

3. *Ibid.* II, 185-190.

4. PH. VAPHIDES, *op. cit.*, III, 2, p. 270.

5. K. DELIKANES, *op. cit.*, II, 642 and 647-650. Cf. VAPHIDES, *op. cit.*, III, 2, p. 270.

6. K. DELIKANES, *op. cit.*, II, 189-190.

In 1750, the Oecumenical Patriarch Cyril V elected Sophronius of Ptolemais Metropolitan of Aleppo.<sup>1</sup>

In 1759, the Oecumenical Patriarch Seraphim II and his synod (the Patriarch of Jerusalem also taking part) once again deposed the usurper Seraphim-Cyril, who had previously been deposed from the throne of Antioch by Jeremias III.<sup>2</sup>

In 1766, at the request of the metropolitans of the throne and with the consent of Patriarchs Matthew of Alexandria and Parthenius of Jerusalem, the Patriarch Samuel I elected Philemon of Aleppo Patriarch of Antioch and made the Metropolis of Aleppo subject to the Patriarch of Antioch. The Metropolitan of Aleppo would be merely permitted to commemorate the Oecumenical Patriarch.<sup>3</sup> After Philemon's death in 1767, Samuel elected Daniel of Damascus, former great protosyncellus of the Oecumenical throne, to be Patriarch of Antioch. In the minutes of Daniel's election, we read: "We, entrusted with the common care and concern for all the churches . . ." <sup>4</sup>

In December 1791, Patriarch Daniel submitted his resignation to the Oecumenical throne. In the same month, Neophytus of Constantinople elected Anthimus of Helenopolis as his successor.<sup>5</sup> From then until the late nineteenth century, the Patriarchs of Antioch were elected by the Oecumenical Patriarchate. Thus from 1850, after the death of Patriarch Methodius, the wording of the Antiochene clergy's petition to the Oecumenical throne included the words that they "beseech the synod of the Patriarchate of Constantinople" to elect a patriarch for them from the clergy of the Ottoman capital.<sup>6</sup>

#### *The Patriarchate of Jerusalem.*

As the Brotherhood of the Holy Sepulchre were guardians of the Holy Places, the Oecumenical Patriarchate gave the Patriarchate of Jerusalem even greater material and moral support during this period.

From Patriarch Germanus onwards, the Patriarchs of Jerusalem kept

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1. Ibid. II, 159-200.

2. Ibid. II, 202-206.

3. VAPHIDES, op. cit., III, 2, 272.

4. K. DELIKANES, op. cit., II, 212-214.

5. Ibid. II, 215-216.

6. A. LEBEDEFF, *Istorija Grekovo stotchnoj Tserkvi pod vlastjon Tourok*, pp. 773-781.

very close contact with the Oecumenical Patriarchate, and particularly from the mid-sixteenth century: for two hundred years each patriarch, from Paisius (1645 - 61) to Athanasius (1828 - 45), was elected in Constantinople "at the exhortation and with the consent of the Oecumenical Patriarch by his holy synod," at the behest of the Brotherhood of the Sepulchre and sometimes in the presence of and with the consent of the Patriarchs of Alexandria and Antioch.<sup>1</sup> This appears from the minutes of the election of Patriarch Anthimus, where we find:

The most holy patriarchal Apostolic and Oecumenical throne will be found taking trouble in many cases, in conformity with the canons and its superior dignity. Never has it once appeared legally and canonically concerned only with the prudent administration of its own ecclesiastical areas. It was rather bound to the requirements and needs of the other most holy patriarchal thrones. It did not renounce the struggle, but as soon as it perceived that they were in need and lacked help, it would as often as possible readily give them its support and contribute to their needs. Accordingly it has once again been favourably and fraternally disposed towards the holy, patriarchal and Apostolic throne of Jerusalem, just as it has been many times in the past.<sup>2</sup>

During this period, the Patriarchs of Jerusalem normally lived in Constantinople, in an area called *τὰ Στεῖρον*,<sup>3</sup> with the aim of campaigning more effectively for contributions towards the Holy Sepulchre, of managing the material concerns of the Holy Places and of defending their ri-

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1. K. DELIKANES, *op. cit.*, II, 362, 465, 468, 495, 505, 506, 514. Cf. Archim. KALLISTOS, *op. cit.*, p. 26.

2. K. DELIKANES, *op. cit.*, II, pp. 506-507.

3. According to Pseudo-Codinus, on the first of the five hills, in the area between the Hagia Sophia, Hagia Irene and Sarayburnu (Seraglio Point), there stood two churches, one dedicated to the Archangel Michael, the other to Gabriel. According to *Cod. Parisin.* 657, there was a monastery there, the "Monastery of the Barren Woman," dedicated to the Archangel Michael, *τὰ Στεῖρον ὁ Ἀσώματος*. The name came from a barren woman of patrician rank who eventually bore children and from gratitude built a chapel (or poor-house) there, which Justinian converted into a church. Basil the Macedonian later rebuilt it on a more grandiose scale and called it a monastery. He also endowed it with a philanthropic institution to carry on the original aim of the foundress. The Monastery *τὰ Στεῖρον* can be traced until the twelfth century, and in it the Patriarchs of Jerusalem Leontius I (*ob.* 14th of May 1190) and his successor Dorotheus I lived and were buried. It was clearly this that led Papadopoulos-Kerameus to suppose that the emperors set this monastery aside as a place of residence for the Patriarchs of Jerusalem when they were obliged to leave Jerusalem after the Latin conquest (ΠΑΠΑΔΟΠΟΥΛΟΣ-ΚΕΡΑΜΕΥΣ, *Ἀνάλεκτα Ἱεροσολυμιτικῆς Σταχυολογίας* III, 25).



ghts. They were further able to travel in person or via a delegate throughout the regions of the Oecumenical Patriarchate *ἐλέους χάριν*

So that the Patriarch of Jerusalem may have in every bishopric and parish permission to hold his own patriarchal monasteries, churches and properties . . . in this sovereign city and in other places and cities, and beyond the Danube in the areas of the illustrious and God-supported lords and princes of Hungrovlachia and Morlacchia.<sup>1</sup>

Two of the most distinguished Patriarchs of Jerusalem, Dositheus (1669 - 1707) and Chrysanthus (1707 - 1731) were worried about the state of their throne. In 1707, in a will bearing his signature, Dositheus begged the Oecumenical Patriarch Gabriel that after his death no foreigner or outsider should be allowed to become patriarch, but that "the most suitable and competent of those subject to the throne of Jerusalem should be elected and undertake its protection."<sup>2</sup> Patriarch Chrysanthus expressed the same view to the Oecumenical Patriarch, and even went so far as to designate as a suitable successor "the most reverend Metropolitan of Caesarea Meletius, and he implores the most holy Oecumenical Patriarch of Constantinople and the holy congregation of bishops chosen by God to accept graciously his counsel, and judge it reasonable and worthy of acceptance for the glory and benefit of the Holy Sepulchre."<sup>3</sup> He thus entrusted the canonical votes in the election to the Oecumenical throne, which fully carried out its guardian rôle towards the other churches and granted this request.<sup>4</sup>

The beginning of the minutes of the election of Chrysanthus of Jerusalem, during the Oecumenical Patriarchate of Gabriel III, deserve consideration:

From of old, the Great Church of Christ . . . fulfilled affectionately its duties of guardianship towards the other churches and undertook their needs and obligations, development and growth.<sup>5</sup>

As they lived in Constantinople, on property belonging to the Holy Sepulchre, the Patriarchs of Jerusalem were always invited to synodical

1. K. DELIKANES, *op. cit.*, II, 508-512.

2. *Ibid.* II, 471.

3. *Ibid.* II, 492.

4. Archim. KALLISTOS, *op. cit.*, p. 28. The custom whereby the patriarch designated his successor prevailed until the last century in the Church of Jerusalem (*Ibid.* 28, n. 2).

5. K. DELIKANES, *op. cit.*, II, 465-467.

gatherings. They took part in debates on various questions dealing with the area under the jurisdiction of the Oecumenical throne and the entire Orthodox Church, as well as all questions dealing with the Church of Jerusalem. Following long-standing tradition, they would take part in the joint decisions; this is borne out by a large number of letters bearing their seals and signatures.<sup>1</sup>

The Oecumenical throne was clearly also involved in the specific affairs of the Holy Places. In the seventeenth century, Cyril Lucaris courageously championed the interests of the Holy Sepulchre, showing himself a staunch defender and supporter of Patriarch Theophanes of Jerusalem. In 1808, the Oecumenical Patriarch Callinicus showed the same concern for the Holy Sepulchre when the Church of the Resurrection was razed, and his example was followed by his successor, Jeremias IV (1809 - 1813), when the church was being rebuilt.<sup>2</sup>

In 1827, Agathangelus of Constantinople and his synod discussed with the newly elected Patriarch of Jerusalem Athanasius ways of setting the Community of the Holy Sepulchre on a sounder economic basis and of paying off its colossal debts.<sup>3</sup>

In 1832, the Oecumenical Patriarch Constantius severely censured the synod of the throne of Jerusalem for the "unprecedented disorder" prevailing in the Community of the Holy Sepulchre and its indifference to the monks and pilgrims: he exhorted the synod to alter its behaviour and to be more calmly and obligingly disposed towards the monks and pilgrims.<sup>4</sup>

In 1872, the Oecumenical Patriarch Anthimus VI ratified the resolution of the Holy Synod of Jerusalem and of the Brotherhood of the Holy Sepulchre which declared the Patriarch of Jerusalem Cyril II deposed from the patriarchal throne.<sup>5</sup>

### *The Church of Russia.*

The Oecumenical Patriarchs intervened directly in the affairs of the Russian Church until the separation of the Metropolis of Kiev from that of Moscow in 1461.<sup>6</sup> After that it maintained continuous rela-

1. Archim. KALLISTOS, op. cit., p. 28.

2. Chr. PAPADOPOULOS, *Ἱστορία τῆς Ἐκκλησίας Ἱεροσολύμων*, p. 658.

3. K. DELIKANES, op. cit., II, pp. 519-523.

4. Ibid. II, 527-529.

5. Chr. PAPADOPOULOS, op. cit., p. 762. Archim. KALLISTOS, op. cit., p. 31.

6. VAPHIDES, op. cit., II, 296-298.

tions with the Metropolitans of Kiev, whose elections were ratified by Constantinople: for example that of Metropolitan Michael was recognized by Patriarch Jeremias II in 1589.<sup>1</sup> At this period, a large number of missions had been sent to Russia by the Constantinopolitan Patriarchs, and we frequently encounter patriarchal exarchs from Constantinople and other patriarchates.<sup>2</sup> In 1632, Peter Moghila became Metropolitan of Kiev with the approval and consent of Cyril Lucaris.<sup>3</sup> In 1643, the Oecumenical Patriarch Parthenius I convoked a greater synod to exa-

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1. K. DELIKANES, *op. cit.*, III, 4.

2. The administrative area of the Metropolitan of Kiev was not always the same, but depended on the political state of the country. For this reason at various periods different numbers of bishops were subject to it. Until 1654, the Church of South Russia was subject to the Patriarch of Constantinople. When Little Russia became subject to the Tsar of Moscow, the Church came under the jurisdiction of the Moscow Patriarch. However, fearing the West and remembering the substantial protection afforded by Constantinople, Silvester of Kiev began to have second thoughts about being dependent upon Moscow, and after his death in 1657, Dionysius, who was elected by the Tsar, objected to being consecrated by the Patriarch of Moscow. Subsequently two other metropolitans were elected in Little Russia, one by the clergy and the Cossacks, and the other by the Hetmans. This disorder persuaded the Orthodox of South Russia to be united with the Patriarch of Moscow in 1685, when Gideon was elected Metropolitan of Kiev unanimously and was consecrated by Patriarch Joachim of Moscow. In the relevant document it is said that Moscow must not become involved in the jurisdiction of the Metropolitan of Kiev, who preserves whole and intact his ancient privileges. Constantinople ratified this union of the southern metropolis with Moscow in 1867. The laws administering the Church of South Russia were the ancient ones which had often been ratified by the rulers of Lithuania. Yet because of difficult circumstances, its metropolitans, mindful of their flock, promulgated various other canons, such as those of the Council of Vilna in 1509, or the Council of Lvov in 1539 (VAPHIDES, *op. cit.*, III, 1, p. 189).

3. The famous Metropolitan of Kiev Peter Moghila, the son of a Moldavian prince, was educated at the Sorbonne and distinguished himself in a military career. He subsequently entered the ranks of the clergy and became Archimandrite of the Monastery of the Caves (*Pecherskaia Lavra*). Later he served as exarch of the Oecumenical Patriarch Cyril Lucaris at the Diet of Warsaw, and as a firm champion of the rights of the Orthodox, he managed to win King Ladislas IV's recognition of a large number of rights to the Orthodox, in particular their right to elect their own Metropolitan of Kiev, subject to ratification by the Oecumenical Patriarch alone. When Job of Kiev, who had been installed by Jeremias II, died in 1632, Moghila was elected to succeed him. His election was ratified by Cyril Lucaris, and he was solemnly consecrated in Lvov, in the ancient metropolitical church of Sv. Sofia which had been given back to the Orthodox by the King of Poland, after it had been earlier taken over by the Uniates. The restoration had been a result of Peter's efforts (K. DELIKANES, *op. cit.*, III, 29, n. 1).

mine and approve a book sent by the sister Church of Little Russia, entitled *Confession of the Orthodox Faith of the Catholic and Apostolic Church of Christ*, by Peter Moghila, Metropolitan of Kiev. The *synodicon* ratifying this document was signed by the Oecumenical Patriarch, the Patriarchs Joannicius of Alexandria, Macarius of Antioch and Paisius of Jerusalem, nine resident bishops and the officials of the patriarchal court.<sup>1</sup>

This situation continued until 1654, when Little Russia was subjugated by the Tsar of Moscow. The Metropolitan of Kiev was subsequently directly dependent on Moscow. The Metropolitan of Kiev Silvester was again elected in the Phanar in 1649.<sup>2</sup> After a troubled period, following the consecration of Gideon of Kiev by the Patriarch Joachim of Moscow, the union of the Kievan Metropolis with Moscow was ratified by the Patriarch of Constantinople.<sup>3</sup>

Contacts between the Oecumenical throne and the Metropolis of Northern Russia became less frequent after 1453. The difficulties arising from the political situation and in particular the greater isolation it entailed, not to mention periodic Caesaropapism on the part of the Muscovite rulers, no longer allowed the Russian Church such frequent recourse to Constantinople. The links between the two churches were not, however, severed, and events of particular significance did occur at this period, such as the synods called by Jeremias II and official acts promulgated in connection with the founding of the patriarchal throne in Moscow.

It is not known for certain whether the idea of a Russian Patriarchate originated with the Tsar Feodor Ivanovich, to raise the prestige of the Russian Church, or with his brother-in-law, the powerful Boris Godunov. What is certain is that the idea first appeared in 1586, when Joachim of Antioch, who was living in Russia, heard of the Tsar's wish from Godunov. When the Oecumenical Patriarch Jeremias II, accompanied by Hierotheus of Monembasia and Arsenius of Elasson, went to Russia in 1588 to raise contributions for the sufferings of the Church, the Russians submitted the proposal to them. The Patriarch accepted it and on the tenth of January 1589 presided over a large synod of bishops, at which three candidates were elected. From these three the Tsar selected Job of Moscow, a

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1. K. DELIKANES, *op. cit.*, III, pp. 29 and 31.

2. Hiéromoine PIERRE, 'Notes d'Ecclésiologie orthodoxe,' in *Irenikon* 1933, 258.

3. PH. VAPHIDES, *op. cit.*, III, 1, p. 189.

friend of Godunov. During vespers on the twenty-third, Job was proclaimed and gave thanks, and on the twenty-sixth of January, during a large concelebration, he was consecrated Patriarch by Jeremias, and the prayers for the consecration of a bishop were repeated. This extraordinary performance has been defended by Russian historians on the grounds that a "double grace" was deemed necessary for the supreme pastor of the Church.<sup>1</sup>

In May 1590, as soon as he returned to Constantinople, Jeremias II convoked a large synod to ratify his promotion of the Metropolitan of Moscow to the rank of patriarch. Meletius Pegas of Alexandria was not present, but the synod was attended by Joachim of Antioch, Sophronius of Jerusalem and eighty one metropolitans, archbishops and bishops. The synod recognized and confirmed Jeremias' course of action in Moscow, and issued a synodical *Chrysobull* or *Tomos*, which contained the following: "so that he (Moscow) may have as head and source the Apostolic throne of Constantinople, as do the other patriarchs."<sup>2</sup>

The *Tomos* was taken to Moscow in 1592 by Dionysius, Metropolitan of Tirnavos and Larisa, accompanied by Callistratus of Grevena and a large party. They also took private and synodical letters from the Patriarch Jeremias to the Tsar Feodor, the Tsarina, the new Patriarch Job and the powerful Boris Godunov. The Tsar and Patriarch Job, however, did not regard the last position given to Moscow in the order of precedence of patriarchs in the synodical letter as sufficient. They made strong representations to the other patriarchs and principally to the Oecumenical Patriarch Jeremias to rectify this and give Moscow the third position, below Alexandria and above Antioch. In February 1593, a great synod met in the Church of the *Theotokos Paramythia*<sup>3</sup> in the presence of Meletius Pegas of Alexandria (who also came as representative of Joachim of Antioch), Sophronius of Jerusalem, seventy six bishops and a delegate of the Tsar, Gregorius Athanasius. This synod ratified the creation of the patriarchal throne in Russia in a *Tomos*, which

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1. Ibid. III, 1, p. 191 and PHEIDAS, 'Επίτομος 'Εκκλησιαστικῆς Ἱστορίας τῆς Ρωσίας, ἀπ' ἀρχῆς μέχρι σήμερον, p. 96. The initiative taken by Jeremias II in founding the Patriarchate of Moscow provoked a sharp reaction from the Patriarch of Alexandria, Meletius Pegas, who wrote to the Metropolitan of Heraclea in 1591 and to Jeremias II protesting that the latter had acted without the consent of the other Eastern patriarchs (VAPHIDES, op. cit., p. 191).

2. K. DELIKANES, op. cit., III, 24-26.

3. Ibid. III, 20.

prescribed that the Patriarch of Moscow "is to be numbered with the other patriarchs, and is to rank and be commemorated after the Patriarch of Jerusalem; he is to be obliged to commemorate the name of the Oecumenical Patriarch and the other patriarchs and to hold and regard as his head and primus the Apostolic throne of Constantinople, as do the other patriarchs." <sup>1</sup>

The granting of patriarchal status, however, to the Church of Russia did not stop the Oecumenical Patriarchate's exercising any further influence in that church. In 1652, Nikon of Novgorod succeeded Job after his sudden death. Nikon had had long experience of church books' being corrupted and as he belonged to the reforming party, he zealously undertook the work of reform once he became patriarch. In 1654, before doing anything else, he convoked a great synod which declared itself in favour of the Ancient Greek and Slavonic books, and thus of recorrecting Nikon's new books. The Bishop of Kolomna, Paul, and some archimandrites and archpriests opposed the decision, and so seeing an opportunity to acquire authority for the work he had undertaken, Nikon sent Manuel the Greek to Paisius of Constantinople with twenty seven questions on which he requested guidance from the Constantinopolitan Church. In 1665, Paisius convoked a great synod to deal with this which approved the decisions of the Muscovite synod and answered the questions in detail in a synodical letter. <sup>2</sup>

Similarly, in 1663, the Oecumenical Patriarch Dionysius III called a great synod at the instigation of Paisius of Gaza and the synod governing the affairs of the Church of Russia during the long absence from Moscow of Patriarch Nikon, who had incurred the displeasure of Tsar Alexis. Paisius of Alexandria, Macarius of Antioch, Nectarius of Jerusalem and resident bishops took part in the synod, which assessed the twenty five questions posed by the Russian Church by the criterion of the definitions and canons of the Church and gave appropriate answers. Dionysius issued the famous patriarchal and synodical *Tomos* in a kind of question and answer form. The eighth, eleventh and twelfth clauses are quoted here:

VIII. *Question:* Whether the judgements of other churches are always taken on appeal to the Constantinopolitan throne, and whether each ecclesiastical case is finally settled by him.

1. W. REGEL, *Analecta Byzantino-Russica*, St. Petersburg 1891, p. 87.

2. K. DELIKANES, *op. cit.*, III, 36-72. Cf. VAPHIDES, *op. cit.*, III, 1, pp. 179-180.

*Answer: This was the privilege of the Pope before the Catholic Church was split by false pretension and contumacy. Since he seceded, cases from all churches have been referred to the throne of Constantinople and have been resolved there, as the Oecumenical Patriarch, according to the canons, has primacy equal to that of Old Rome. That this privilege has been transferred to the Oecumenical throne, you may learn from many things, not least from the commentaries of the great Nomicus, which say . . . and from Balsamon: "The privileges prescribed for the Pope are not exclusively his but are inferred also for the Patriarch of Constantinople." Now that the Bishop of Rome has broken away from the Catholic Church, they apply only to the Oecumenical throne. If the other patriarchs chance to agree on an important question, their decision shall be unalterable.*

XI & XII. *Question: If a responsible metropolitan or patriarch is tried by the bishops of his synod . . . and if he rebels and appeals against the verdict, what is to be done?*

*Answer: After the Oecumenical throne and the patriarchs have brought a verdict against him in writing in accordance with whatever seems legal and canonical, since, as has been said earlier, the Oecumenical throne has this prerogative from the canons, that verdict is to be upheld against him, and there is no other appeal left . . .*<sup>1</sup>

An administrative change of immense importance in the Russian Church was Peter the Great's abolition of the Patriarchate and its replacement by the Ruling Synod. The decree which put this into effect was the work of Theophanes (Eleazar) Prokopovich, who, enjoying the Tsar's complete confidence, was consecrated at his insistence Archbishop of Pskov. He never moved to his archbishopric, but remained in St. Petersburg, working on the elaboration of the ecclesiastical decree which he completed in February 1720. It was ratified on the twenty-fifth of that month.<sup>2</sup>

By an imperial ukase of 1721, the Holy Synod of the Church of Russia was established as supreme ecclesiastical authority. The synod was now to be commemorated in Church in place of the Patriarch. Peter the Great wrote to Patriarch Jeremias III on the thirtieth of September 1721 to inform him of the formation of this synod, equal to the patriarchs in power, and requested the approval of the other patriarchs. He besought them

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1. "A *Tomos* of certain essential questions, solutions to which were found by the four most holy and blessed patriarchs and were promulgated after they had been assessed on the criterion of the definitions and canons of the Catholic and Eastern Church, in question and answer form in the year of salvation 1663," (v. *Νομικὴ Συναγωγή*, ff. 353-358, which was transcribed by M. Gedeon, who was the first to edit it, in *Κανονικαὶ Διατάξεις* I, 341-366. Cf. K. DELIKANES, *op. cit.*, III, 93-118).

2. PNEIDAS, *op. cit.*, 124-125.

to maintain correspondence and relations with the synod on spiritual matters as they had previously been maintained with the Russian patriarchs.<sup>1</sup> The letter contains this:

As an obedient son of our most beloved Mother Orthodox Catholic Church, we always preserve reverence for Your Holiness as the first arch-pastor of this Orthodox Catholic Church and our spiritual father, and we judged it necessary to inform you of these developments . . .<sup>2</sup>

In reply, the patriarch addressed himself directly to the synod, which he recognized *as a sister empowered to do whatever the four patriarchs could do*. He authorized and commanded it *to keep unshaken the customs and canons of the seven Oecumenical Councils and whatever else is held by the Orthodox Church*.<sup>3</sup>

In a synodical letter of the same year, signed by the Patriarchs Athanasius of Antioch and Chrysanthus of Jerusalem, the Russian Synod was informed of the Eastern churches' verdict on the proposals of the Anglican Church.<sup>4</sup>

It must be remarked that in any important ecclesiastical question, such as permission to marry non-orthodox, the rebaptism of Lutherans and Presbyterians converting to Orthodoxy by Chrismation, or the breaking of the fast by soldiers in time of war, Peter the Great always resorted to the Oecumenical throne and asked its opinion and agreement.<sup>5</sup>

#### *The Church of Cyprus.*

As far as the Church of Cyprus is concerned, there is adequate evidence in the patriarchal documents of the Oecumenical throne's care and support from the beginning of the sixteenth century onwards. The documents reveal the Oecumenical Patriarchs' arbitrating and giving guidance in disputed questions brought to them by the Cypriots.

In 1597, the Patriarch of Alexandria, Meletius Pegas, who was then administering the Constantinopolitan Patriarchate with the title "Overseer of the Oecumenical throne," was approached by the synod of the Church of Cyprus, which laid accusations of various uncanonical acts against its Archbishop Athanasius and called upon the patriarch's help.

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1. VAPHIDES, op. cit., III, 1, 455.

2. K. DELIKANES, op. cit., III, 231.

3. Ibid. III, 234.

4. Ibid. III, 237.

5. M. GEDEON, op. cit., I, p. 148. K. DELIKANES, op. cit., III, 236.



As Meletius' repeated letters of reproof were completely ignored by Athanasius, who was relying entirely on external secular support, the patriarch sent exarchs to Cyprus to examine the charges on the spot. A synod was called, and Archbishop Athanasius summoned to attend and give evidence. He avoided this tribunal and, in contempt of the canons, did not reply. Accordingly, Meletius advised the Cypriots to seek the help and protection of the Oecumenical throne: "Apply to the Oecumenical throne, and be looked after by him in this case." This they did: they appealed to the Oecumenical Patriarch Matthew II, accusing their Archbishop of various illegal actions and requesting that he be punished. Since the Archbishop again did not trouble to give evidence and treated both the synodical and exarchal letter and the petition sent by the Cypriots to the patriarch with contempt, "For this reason," as the same patriarch wrote in 1600,

following the scriptural command that if one member suffers or rejoices, we suffer and rejoice with it, and since we have permission and an inescapable obligation not to reject appeals from the churches when they visit us, but to accept them and hold out a helping hand, we declare in the Holy Ghost our intention, deliberately, in synod and with the written agreement and approval of His Beatitude the Patriarch of Alexandria, that, because of his lawless acts, this archbishop should be and remain deposed and stripped of all episcopal function and rank, and should be removed from the throne and office of the bishopric of the Cypriots, which he ascended without proper inquiry being made.<sup>1</sup>

In 1672, the Archbishop Nicephorus of Cyprus, who contrary to the canons had communicated with the deposed Oecumenical Patriarch Parthenius, who had been banished to Cyprus, went in person to Constantinople to give evidence before the Oecumenical throne. He was absolved of guilt by the Oecumenical Patriarch Dionysius IV, the Patriarchs of Antioch and Jerusalem, who happened to be present, concurring.<sup>2</sup>

The same Oecumenical Patriarch ratified the stauropegiac dignity of the Monastery of Cyccos:

... that it may remain a stauropegiac monastery in every way free and unanswerable for its actions ... owing absolutely nothing to anyone.<sup>3</sup>

In his synodical letter, the Oecumenical Patriarch Gabriel III writes that the metropolitans in the Island of Cyprus

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1. K. DELIKANES, *op. cit.*, II, 546-550, Archim. KALLISTOS, *op. cit.*, p. 31-32.

2. K. DELIKANES, *op. cit.*, II, 557-559.

3. *Ibid.* II, 561.

with the common consent and agreement of the clergy and laity there, seeing that their Archbishop Germanus had left the long established ecclesiastical administration and was not handling as a father the flock entrusted to him by God, but was scattering it as a devouring wolf . . . resorted to our Great Church to ask for assistance. And they met once, twice, many times in the synod — as the former Patriarch of Antioch Athanasius writes to the people of Cyprus — with the oecumenical ecclesiastical tribunal and inveighed against their Archbishop Germanus. They claimed he had not properly governed in accordance with ecclesiastical decrees and definitions, but had behaved tyrannically against their episcopal dignity. The other Christians had accused him of frightful, distressing crimes. A patriarchal synodical letter was accordingly issued by the Great Church and sent to him, instructing him to come in person to the capital to give evidence on the crimes he was charged with.

As Germanus did not go to Constantinople, he was "removed from his charge and was subjected to synodical deposition." At the instigation of Patriarch Gabriel, the former Patriarch of Antioch Athanasius was elected by the synod of Cypriot bishops, clergy and laity, and his election was accepted by the Patriarch of Jerusalem.<sup>1</sup>

In 1700, in a synodical act dealing with the Monastery of Amosgos, which belonged to the Metropolis of Nemesos and Cytaea, and had subsequently in 1633 been presented by its metropolitan to the throne of Alexandria, the Oecumenical Patriarch Callinicus II annulled the presentation on the grounds that it contravened the canons: "because the property which has once and for all devolved upon a church and is made genuinely subject to it remains immovable and inalienable for ever."<sup>2</sup> He secured the monastery's restoration to its proper metropolis by a patriarchal and synodical letter "in accordance with the canonical prerogatives and privileges of the oecumenical tribunal to legislate, in that it has been given permission to review and arbitrate in matters brought forward to it from provinces everywhere for examination and ratification."<sup>3</sup>

It is self-evident that the Oecumenical throne's predominant position in the East during this period was by no means such as to make the Oecumenical Patriarch an Eastern Pope, although this is maintained by some scholars, both Orthodox and non-orthodox: for example, Souvorov, Pavlov, Troitsky, Polsky, Mendelson, Herzberg, Diehl.

As a rule, whenever the Constantinopolitan Patriarchs acted on behalf

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1. Archim. KALLISTOS, *op. cit.*, 33. Cf. K. DELIKANES, *op. cit.*, II, 567, 571-573.

2. Archim. KALLISTOS, *op. cit.*, 34.

3. K. DELIKANES, II, 565.

of the other churches, they respected the institutions and decrees relating to their autocephaly and internal self-government. They either justified their action by the situation created by the facts, or by particular canonical or secular prerogatives, or were impelled by the idea that they had a duty to look after the other churches, a duty made imperative by exceptional circumstances.<sup>1</sup>

From the evidence given below, it is quite apparent how unjust those scholars are who condemn the Oecumenical throne for "Eastern Papacy" and for submitting, as they put it, to the sin of worldly vanity;

1. The act issued by Patriarch Neophytus VII, which once again placed the Metropolitan of Aleppo under the throne of Antioch:

Our most holy, patriarchal, Apostolic and Oecumenical throne has for long considered it entirely appropriate to support and as far as possible to help in the needs of the other most holy, patriarchal and Apostolic thrones, but it does not tolerate that it should take for itself the prerogatives of these thrones, nor even to hear of this. For the former is right and worthy of our throne, but the latter is wrong and unworthy of the patriarchal office.<sup>2</sup>

2. The *sigillion* of Gerasimus III, issued in 1794, dealing again with the Metropolis of Aleppo:

... For this reason, our most holy, patriarchal, Apostolic and Oecumenical throne, striving for blamelessness in itself, provides what is right and blameless and what it has itself to the other patriarchal and Apostolic thrones. It does not take away from them what is theirs in law, nor does it consider it has a right to act above the laws, but it certainly contributes towards the rights and needs of the others, as far as possible.<sup>3</sup>

When Gregory of Aleppo returned to his metropolis in the Patriarchate of Antioch, he commemorated the name not of his canonical patriarch, Silvester of Antioch, but of the Oecumenical Patriarch. The latter wrote him a letter of reproof, in which he wrote:

... since you ventured to do two strange and unexpected things not contained in our synodical decision and command: firstly not commemorating the name of our colleague, His Beatitude the Patriarch of Antioch Silvester, but rather the Patriarch of Constantinople, and secondly not openly reading the orthodox confession of faith we entrusted to you after it had been signed and ratified by us all. Nor did you make the Christians there sign it openly as we commanded, but in private and secretly, as you write ...<sup>4</sup>

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1. GENNADIUS of Heliopolis and Thira, 'Τὰ ἰδιαίτερα δικαιώματα τοῦ Οἰκουμένου Πατριαρχείου καὶ ἡ θέσις αὐτοῦ ἐναντὶ τῶν ἄλλων Ὁρθόδοξων Ἐκκλησιῶν,' in *Ὁρθοδοξία* 1931, 408.

2. K. DELIKANES, op. cit., II, p. 217.

3. Ibid. II, 220.

4. Ibid. II, 191.

Not only did the Oecumenical Patriarchs never have any desire to lessen or take away the rights of the other churches; they did not allow others to do so. The Oecumenical Patriarchs Methodius III, James I, Callinicus II and Gabriel III, following complaints from the Patriarchs of Jerusalem, condemned the repeated attempts of the Archbishops of Sinai to break away from the canonical jurisdiction of the Patriarchs of Jerusalem. In a synodical letter of James I, issued in 1687, which defined the position of Mount Sinai in relation to the Patriarch of Jerusalem, we read:

For this reason, in line with the canon of the Apostolic Church and order which has been handed down, as we strongly wish to preserve the privileges of the holy churches everywhere in accordance with Apostolic models and the synodical and canonical definitions and institutions of the holy fathers by which our Oecumenical throne succeeded in enriching its canonical power to review cases submitted for arbitration to it and to suppress irregularities occurring in the Churches of God in other areas and to reform them as far as is appropriate, we write and declare . . .<sup>1</sup>

Delikanès' collection of patriarchal documents contains a fair number of such categorical declarations of respect for the canonical prerogatives of the autocephalous churches. Of particular importance is the encyclical addressed to the Synod of Antioch by Anthimus VI around the mid-nineteenth century:

God forbid the abolition of the canonical decrees and prerogatives which that holy throne has been given and which the Great Church has never intended making any intervention into or attack against, either during the vacancy of the throne or at other times: on the contrary, it has always supported its privileges and courageously given its protection in such terrible circumstances as have arisen from time to time involving the preservation of the orthodox from every assault of their adversaries. There are countless examples where the Oecumenical throne acted to protect and defend the Antiochene throne: for example, this recent restoration of St. Amis. It has expended and continues to expend generous amounts on this. Other examples are the events which occurred before this in the metropolis of Aleppo; and there are countless other circumstances which the Great Church provided for, as if from a high vantage point — not from any selfish ambition, but with real sacrifices —, struggling in many ways on behalf of the spiritual interests of the throne and the orthodox who together constitute it, and taking upon itself many of its burdens.<sup>2</sup>

One would hardly expect only to find laudable acts in the course of

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1. Ibid. II, 403.

2. Ibid. II, *Prolegomena*. 13-14.

so many hundreds of years of history. Yet in spite of such imperfections and mistakes as are attributable to human nature, in its activities and relations in differing historical conditions with the ancient patriarchates of the East and the other autocephalous churches, the Constantinopolitan Church entirely succeeded in preserving its oecumenicity, the orthodox doctrines and traditions, the canons and all the characteristics inherited from early Christianity. Throughout these centuries, it distinguished itself as the *Mother of the Churches*, especially of the Balkan peoples.<sup>1</sup>

One of the most distinguished professors of the Theological Academy of St. Petersburg, J. Sokoloff, wrote of the Church of Constantinople and of the prerogatives of the Oecumenical Patriarch in the periodical of the old Synod of the Russian Church. In particular, he analysed the activity of the Oecumenical Patriarchate since 1453:

The Oecumenical Patriarchs throughout the period since the Conquest have provided help and succour to the other Orthodox churches of the East when they were in difficult circumstances. They gave these churches their own church buildings, monasteries and land for the material and moral benefit of the clergy and people in them. They willingly confirmed the dedication of various donations to these churches, safeguarding these donations by vigilant supervision, suppressing vigorously any attempt by anyone to seize or alienate them. They sent numerous encyclicals to parishes, corporations, monasteries, metropolises and bishoprics of the Oecumenical throne, asking for their material help for the Christians in need in Palestine, Syria and Egypt etc. It is impossible to say what would have befallen the Church of Alexandria if the solicitude of the Oecumenical Patriarchate had stopped or diminished during the period when the Alexandrian Church was engaged in various struggles with the Sinaites over their claims on the prerogatives of the Alexandrian throne. What would have been the effects of Latin propaganda on the Church of Antioch if the Patriarchs of Constantinople had abandoned it to its own weak resources and its clergy, at a period when there existed neither material nor other means at its disposal to combat the danger? What would have been the fate of the Church of Jerusalem if the Oecumenical Patriarchs had not bestowed systematic material assistance on the Holy Sepulchre, if they had checked the flow of offerings from the bishoprics of the Oecumenical throne, or had prevented the Patriarchs of Jerusalem and their bishops from raising contributions for the needs of their church? What would have happened to the autocephalous Church of Cyprus if the Oecumenical Patriarchs had not protected it during the years of Venetian sovereignty and during the seventeenth and eighteenth centuries? . . . Without the care, sacrifices and struggles of the Oecumenical Patriarchs, the Holy Sepulchre and the Holy Places in Jerusalem as a whole would long since have

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1. G. KONIDARES, op. cit., p. 26.

fallen into utter decay and ruin, and the Church of Antioch, where the Saviour's disciples first began to be called Christians, would probably only have survived as a historical memory — that there was once a time when that church too was one of the four patriarchal thrones of the Orthodox Church. It is worth remarking that the Patriarch of Constantinople's leading position among the coequal Orthodox patriarchs of the East aroused no fear in the other patriarchs, as they were all convinced that none of the Oecumenical Patriarchs were motivated by the idea of acquiring absolute power in the Orthodox Church by lessening or neutralizing the canonical prerogatives and privileges of the other patriarchal thrones, and that their autocephaly stood in not the slightest danger. As *primi inter pares*, the Patriarchs of New Rome looked after the stability of the other thrones of the East and never neglected to invoke the willing collaboration and solidarity of their co-equal brothers in Christ, making them participants in the administration even of the affairs of the Oecumenical throne. History shows that in matters of general interest, in which their approval was necessary, and even in local questions and questions dealing exclusively with the area of the Oecumenical throne, the Patriarchs of Alexandria, Antioch and Jerusalem and the Archbishops of Cyprus, whenever they were in Constantinople, took part in the synodical meetings and debates and appended their signatures. In general, there was complete reciprocity between the patriarchs of the Orthodox East, complete mutual love, brotherly respect and spiritual unity and rapport. Talk of papacy in the Orthodox East is thus quite out of place; the Patriarchs of Constantinople, who have occasionally been erroneously accused of papist tendencies, never aspired to absolute domination in the Eastern Orthodox Church. They were always motivated by fraternal love and solicitude in their relations with the other patriarchs of the East. There never has been and there never will be a papist spirit in the Orthodox East.<sup>1</sup>

In its activities throughout the centuries, the Oecumenical Patriarchate has never been impelled by any illusions of secular authority, nor has it ever attempted to extend its jurisdiction at the expense of the other Orthodox churches. It has always been motivated by a properly conceived concern for the churches of God everywhere and has been aptly described as "this God-supported centre" by Constantine Oeconomou (ὁ ἐξ Οἰκονόμων).

Even Troitsky admits those acts of the Church of Constantinople which illustrate its care and protection whenever they were needed for the internal affairs of the other churches. Although it may be disputed that this prerogative derives from the holy canons, he writes:

There is no doubt that in most of the cases when the Patriarchs of Constantinople intervened, they were not supported by particular canons, since these

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1. E. PHOTIADES, op. cit., in 'Ορθοδοξία 1948, 31-33, n. 69. Cf. K. DELIKANES, op. cit., II, *Proleg.* 14-20.

do not permit one church to violate the integrity of the others. Nevertheless, these cases when the Patriarchs of Constantinople deviated from the canonical regulations were not malicious transgressions but resulted from internal necessity. The canons are considered to prevail in regular ecclesiastical life, but are also taken into account in a state of necessity which imposes deviation from the canonical order (as is envisaged, for example, in canons 4 of Nicaea, 47 and 80 of the fifth Oecumenical Council, 3 and 6 of Nicaea, 11, 13 and 106 of Carthage and 17 of the *Prima et Secunda* Councils). For this reason, even if these cases of intervention were not canonical, they were not uncanonical.<sup>1</sup>

The conclusion in this last sentence is to say the least curious. Troitsky would appear to be attempting to reconcile the irreconcilable and is in danger of arriving at absurd conclusions.

In principle, ecclesiastical acts can either be canonical and demand the respect of the entire Orthodox Church, or uncanonical, in which case they must be condemned. Troitsky's attempt to connect the statements "were not canonical and yet were not uncanonical" is in my opinion alien to the language of canon law. Ecclesiastical actions in this sphere are evaluated exclusively by the following principle: they are called canonical if they are based on the canons and uncanonical if they contravene them. Any canonical act can have irregularities of greater or less significance, but in terms of canonicity the action can be seen only as irregular, not as uncanonical or as contravening the canons.<sup>2</sup>

*From the Nineteenth Century until Today:*

*The New Problems.*

During the nineteenth century, which has very appropriately been described as the century of revolutions and technological civilization, the Oecumenical Patriarchate was faced with new problems. *Nationality* came to prevail as a conception, bringing into being the nation-states of Europe and the Balkans. The direct consequence of this was the splitting up of the Orthodox Church in South-East Europe, its unified structure undergoing considerable external change. The most important stages of development were the creation of the national churches, which for a period were estranged from one another, and the gradual influx into the East of secularism, the intellectual movements deriving from the ideas of

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1. S. TROITSKY, 'Budem vmeste borot'sja s opasnostju,' in *Journal of the Moscow Patriarchate* II, 1950, 36-51.

2. Met. GERMANOS of Aenus, op. cit., p. 24.

the Enlightenment and individualistic radicalism.<sup>1</sup> Those who contributed to the arbitrary promotion to the status of autocephalous churches of the Churches of Greece (1833), Rumania (1865), Bulgaria (1870) and Albania (1922 - 1928 - 1937) were governed by this nationalist mentality. In comparison, the Church of Serbia evinced a quite different and unaggressive spirit.<sup>2</sup>

As a result of this new historical situation, the Oecumenical throne found itself confronting biased opinions: either its *ethnic* or its *supra-national*<sup>3</sup> character would be heavily stressed. There is no question that the Oecumenical throne was and is fully conscious of its dual character: what I shall call its *secular and ethnic* rôle and the special Christian historical mission to each nationality it has deriving from this rôle, and secondly its *oecumenical* rôle, and the oecumenical mission which derives from that. It largely succeeded (and this should be recognized) in combining both its rôles: it managed to meet its duties and obligations, not to mention all the historic charges laid upon it, although these were new as far as the conditions of the period were concerned. Never does it appear to have forgotten its oecumenical mission in important questions; this oecumenical mission was the principal factor in what it did.

The Oecumenical throne succeeded in maintaining the balance of these two fundamental elements, which are regarded as incompatible and are reconcilable only with difficulty; and this in an area not only inhabited by people of differing ancestry and character, but also where two cultural worlds, East and West, met. This achievement is a result of the historical tradition preserved in the Oecumenical throne and of the Christian oecumenical spirit to be found in the patriarchate despite

1. G. KONIDARES, op. cit., pp. 28 and 29.

2. G. KONIDARES, *Ἡ ἄρσις τοῦ βουλγαρικοῦ σχίσματος, 1930-35 καὶ 1945*, p. 10.

3. *Supranational* does not mean in this case "internationalist," but purely and simply *religious*, over and above the various periodic waves of international politics and the interests of specific policies. In a more special sense it does not even mean inter-orthodox, in the sense that the Oecumenical Patriarchate serves only as a link church in relations between the Orthodox churches. It means in principle a unifying spiritual force amongst the Orthodox, a mother church, as it were, a first throne. This demands a constant initiative towards a Panorthodox inter-Christian spirit; in other words it means purely and simply *oecumenical*. Every activity and movement of the patriarchate must be an example of a policy which agrees with the consciousness of the congregations of all the Orthodox churches and at the same time an expression of its spirit (N. NESIOTES, 'Ἡ πρωτόθρονος Μεγάλη Ἐκκλησία . . .', in *Ὁρθόδοξος Παρουσία* I, 1964, 137-138).



the vicissitudes of history, despite the rise and fall of civilizations. It is in this Christian oecumenical spirit that the power to combine *ethnic* with *supranational*, old with new, and to adapt to the historical demands of different periods is to be found.

To maintain that the Oecumenical throne's opposition to the creation of the autocephalous churches was primarily motivated by a reluctance to see its sovereignty diminished is seriously to misunderstand this oecumenical spirit and its purposes.<sup>1</sup> It is shown to be incorrect by the undeviating stance taken by the Oecumenical throne against all these ethnic groups, including even the Greeks, during the period 1833 - 1885, when the first autocephalous churches emerged in the Balkan Peninsula.

The independence of action manifested by the Oecumenical throne conforms to the most exalted spirit of Christianity and the essential character of Orthodoxy. The disagreements referred to above can be seen as deriving principally from the secularism and (from the nineteenth century onwards) from the nationalism prevailing in the countries and peoples of the Balkans.

The predominance in the locally formed churches of their national character must be seen as responsible for not only these disagreements, but also the dividing of peoples and churches. In principle such a division does not contradict the spirit of Christianity. But the principle of division by race, which came to prevail widely, assumed its worst possible form among some of these groups: that of pure racism or chauvinism, the worst enemy of peace, which destroys unity between the local Orthodox churches.<sup>2</sup>

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1. K. HOLL, 'Die kirchliche Bedeutung Konstantinopels,' in *Gesam. Aufsätze* III, *Der Westen*, pp. 126 f. G. PFEILSCHIFTER, *Die Balkanfrage in der Kirchengeschichte*, Munich 1913, from G. KONIDARES, 'Η Ἑλληνικὴ Ἐκκλησία ὡς πολιτικὴ δύναμις ἐν τῇ ἱστορίᾳ τῆς χερσονήσου τοῦ Αἰῶνος, p. 17, n. 2.

2. G. KONIDARES, op. cit., *Proleg.* pp. 18-20. And Schmemmann writes that "Admitting the positive value of nationalism in Christianity, we must not fall into the trap of idealizing history, fixing our eyes on the light, and shutting out what is dark. The progress and earthly life of the Church is not an idyll. On the contrary, it requires struggles and a vigilant ecclesiastical conscience . . . The danger of nationalism lies in its subconsciously altering the *hierarchy of values*, so that the nation no longer serves Christian justice, truth or itself, and no longer evaluates its life in accordance with these qualities. Instead, Christianity itself and the Church begin to be assessed and evaluated by the extent to which they serve the state, the nation, etc." (SCHMEMMANN, 'Tserkov i tserkovnoje Oustrojstvo,' in *Messenger de l'Exarchat du Patriarche russe en Europe occidentale*, March 1949, XIV). II. Alivizatos was no less perceptive when he wrote: "National and nationalistic theories and an

### *Racism.*

Being deeply conscious of its responsibilities to Orthodoxy as *πρωτό-θρονος* of the Church, the Oecumenical throne adopted a specific uniform policy: during the period 1833 - 1850, it censured the Greeks and condemned *ἔθνοφυλετισμός*, (racism), in the Great Local Synod held in Constantinople in 1872. As well as being a perversion of normal patriotic sentiment, this racism is a real obstacle to cooperation between the Orthodox churches in the world and the worst enemy of the unity of the churches of the Orthodox East. I quote below the relevant section of the report drawn up by the special commission set up by command of the synod to investigate racism. This section includes the general principles which the synod took as its basis when it condemned racism and issued its "Definition":

The question of what basis racism — that is discriminating on the basis of different racial origins and language and the claiming or exercising of exclusive rights by persons or groups of persons exclusively of one country or group — can have in secular states lies beyond the scope of our inquiry. But in the Christian Church, which is a spiritual communion, predestined by its Leader and Founder to contain all nations in one brotherhood in Christ, racism is alien and quite unthinkable. Indeed, if it is taken to mean the formation of special racial churches, each accepting all the members of its particular race, excluding all aliens and governed exclusively by pastors of its own race, as its adherents demand, racism is unheard of and unprecedented.

All the Christian churches founded in the early years of the faith were local and contained the Christians of a specific town or a specific locality, without racial distinction. They were thus usually named after the town or the country, not after the ethnic origin of their people.

The Jerusalem Church consisted of Jews and proselytes from various nations. The Churches of Antioch, Alexandria, Ephesus, Rome and all the others were composed of Jews but mainly of gentiles. Each of these churches formed

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exaggerated emphasis upon nationalism in the Church have caused the individual autocephalous churches to commit unacceptable acts which destroy the ecclesiastical organism by simply making it share the nationalistic inclinations of their own people . . . There is no doubt that exaggerated stress upon national churches has been detrimental to the integrity of Orthodoxy, and the various churches' unrestricted involvement in national antagonisms has damaged the great basic principles of the Orthodox consciousness in the whole of ecclesiastical life and has deeply and seriously wounded the internal unity of Orthodoxy (H. ALIVIZATOS, 'Περὶ τῆς ἐνότητος ἐν τῇ ὀρθοδόξῳ Ἐκκλησίᾳ,' in *Πανηγυρικός Τόμος ἑορτασμοῦ τῆς 600ῆς ἐπετείου τοῦ θανάτου τοῦ ἁγίου Γρηγορίου τοῦ Παλαμᾶ, ἀρχιεπισκόπου Θεσσαλονίκης*, pp. 169-170. Cf. Archim. A. YANNOULATOS, "Ἡ διορθόδοξος προσέγγις," in *Ὁρθόδοξος Παρουσία* I, 1964, 32 f).

within itself an integral and indivisible whole. Each recognized as its Apostles the Apostles of Christ, who were all Jews. Each had a bishop installed by these Apostles without any racial discrimination; this is evident in the account of the founding of the first Churches of God.

The ἐκκλησίαι τῶν ἐθνῶν \* referred to by St. Paul (*Rom. XVI, 4*) were clearly so named because they were composed of gentiles, not because they were of the same tribe and tongue: not so as to distinguish the individual nations, but to distinguish them from the faithful who were Jews. Similarly, the phrases *Church of the Thessalonians*, *Church of the Laodiceans* etc., do not indicate a racial group, for there has never been either a Thessalonian or Laodicean nation. They refer to the faithful living in the cities of Laodicea and Thessalonica, regardless of their racial origins.

Abuses and consequent "murmurings" and suspicion are described as having occurred between the different members of the first churches, such as the "mutterings" of the Greek-speakers against the Hebrew-speakers in the Church of Jerusalem. The Apostles, did not, however, to preserve the peace divide the one Church of Jerusalem into two, into a Hebrew-speaking church and a Greek-speaking church, but summoned the faithful of the Church, and said: "Brothers, look out from among you seven men of honest report, full of the Holy Ghost and of wisdom, whom we may appoint over this business" (*Acts VI, 3*).

The same system of establishing churches by locality prevails even after the Apostolic period, in the provincial or diocesan churches which were marked out on the basis of the political organization then prevailing, or of other historical reasons. The congregation of the faithful of each of these churches consisted of Christians of every race and tongue.

Again, the Churches of the patriarchal thrones of Constantinople, Alexandria, Antioch and Jerusalem and the Church of the Cypriot Archbishopric, all preserved until today by the Grace of God, have been ever since their founding local churches, contained that is within geographical limits, and not ethnic groupings. Hence they are not named after the various races which comprise them (for example, Greeks, Egyptians, Syrians, Arabs, Vlachs, Moldavians, Serbs and Bulgarians), usually living mixed up together within their boundaries, but after the capital city.

The Archbishoprics of Ohrid, Peć and Trnovo were also churches within fixed boundaries, and were not constituted on racial principles to contain only people of one race or tongue. The later expressions *Latin Church*, *Greek Church*, *Armenian Church* and the like generally indicate not racial distinction but difference in doctrine. Paradoxically, *Church of Greece*, *Church of Russia*, *Serbia*, *Moldavia* and so on, or less properly *Russian Church*, *Greek Church* etc., mean autocephalous or semi-independent churches within autonomous or semi-independent dominions, with fixed boundaries identical with those of the secular dominions, outside which they have no ecclesiastical jurisdiction. They were composed not on ethnic grounds, but because of a particular situation and do not consist entirely of one race or tongue. Not only has the Orthodox Church

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\* Literally *The Churches of the Nations* but rendered in the English versions as *The Churches of the Gentiles* (Translator's note).

never know racial churches of the same faith and independent of one another to coexist within the same parish, town or country. The heretical and schismatic communions have never known such a thing either.

The Fathers of the Holy Councils, whether these were restricted or general, local or oecumenical, appeared not as spokesmen for their own race or that of their flocks, but each as representative of the church of which he was bishop. When bishops are found in ecclesiastical history, or in the acts of the first councils, named not after a town or area but after an ethnic group, such as *Bishop of the Saracens*, *Bishop of the Goths*, *Bishop of the Scythians*, it can easily be concluded from the vague and as yet underdeveloped political and social condition of certain nations that the bishops were so named because a small number of people in that nation had been Christianized and they were not yet permanently resident in cities.

If we examine those canons on which the Church's government is constructed, we find nowhere in them any trace of racism. The canons dealing with electing and consecrating bishops, metropolitans and patriarchs and other officials of the Church nowhere prescribe racial characteristics as qualification for candidature; only moral and religious qualifications as drawn up by the Apostle of the Gentiles in the Epistles to Timothy and Titus. Similarly, the canons of the local churches, when considering the formation, union or division of ecclesiastical groupings, put forward political reasons or ecclesiastical needs, never racial claims.

This thirty-fourth canon of the Holy Apostles, the only canonical support cited by the adherents of racism in the Church, which reads: "the bishops of each nation (*ἔθνος*) must recognize the first amongst them, and he shall preside as head," is best explained by the sacred form of government prevailing throughout the church, which is entirely alien to racism. Its true meaning is confirmed by the ninth canon of the Council of Antioch, which says explicitly: "The bishops in each province must recognize the bishop presiding in the metropolis, and he must take care of the entire province, so that all who have grievances may come together in the metropolis from all parts of the province. It has hence seemed proper that he should come first in honour and that the bishops should do nothing exceptional without him, following the ancient canon which has prevailed from our fathers." Moreover, the Apostolic canon explains itself and makes clear the sense of the word *ἔθνος* when it goes on: "And each (bishop) is only to do such things as are proper to his congregation (*παροικία*) and the areas under his authority." Local, not racial churches are clearly meant here. This is confirmed by the thirty-fifth Apostolic canon, which prescribes that: "A bishop should not venture beyond his boundaries to perform ordinations in towns and areas not subject to him." From all this, it is quite clear that racism finds no recognition in the government and sacred legislation of the Church.

But the racial principle also undermines the sacred governmental system of the Church, which is the administrative organization of the Orthodox Church as a visible community, clearly appearing in all its sacred legislation, which consists of the canons of the Holy Apostles and of the Holy Councils, both oecumenical and local. Every act involving the Church which tends to violate these canons in whole or in part essentially attacks this governmental system. The

eighth canon of Nicaea, for instance, states: "that there shall not be two bishops in the same city." The racial principle admits of two, three or more bishops of the same faith in one and the same town: as many as there are racial groups residing there. The twelfth canon of Chalcedon says: "there are not to be two metropolitans in the same province." If a racial system is implemented, two or more metropolitans are set up in the same province: as many as there are racial groups. The same canon forbids the one province to be divided into two metropolises, that is division by area, as this also destroys the canonical structure. The adherents of the racial principle multiply the confusion, acknowledging not merely local division of the province, but multiple segregation of individuals into their own racial groups, and consequently the coexistence of several metropolitans within the same boundaries, holding, maybe, the same titles and exercising ecclesiastical jurisdiction over special racial groups. The undermining of ecclesiastical government appears more clearly in the diocesan churches. The second Oecumenical Council says: "Bishops outside a diocese must not enter upon churches outside their own borders, nor bring confusion into the churches; but according to the canons, the Bishop of Alexandria must have the administration of the affairs of Egypt only, and the bishops of the East must administer the East (Oriens) only . . . And the bishops of the Asian diocese must administer the affairs of the Asian only; and those of the Pontic diocese the affairs of the Pontic only; and those of Thrace the affairs of Thrace only . . . The above canon respecting the dioceses being observed, it is plain that the synod of each province must administer the affairs of the province, according to what was decreed at Nicaea." According to this canon and its parallels (8 of Ephesus, 6 of Nicaea and 28 of Chalcedon), the diocesan churches are made up of the metropolitan churches in the same way that these latter are made up of the episcopal churches, and consist of all the provinces in the diocese. The synod of the diocese, together with its presiding bishop, be he called president, archbishop, exarch or patriarch, constitutes the supreme ecclesiastical authority in the diocesan area. In accordance with this, diocesan synods with their presiding bishops exist to this day in patriarchates of the Orthodox East and in the other dominions. In a racially organized church, however, the church of the local diocese has no area proper to itself, but the ethnic jurisdictions of the supreme ecclesiastical authorities are extended or restricted depending on the ebb and flow of peoples constantly being moved or migrating in groups or individually. Because all kinds of racial groups are mixed up in these diocesan areas, the jurisdictions of the various racial church authorities must either overlap, or be entangled and confused, all claiming the canonical administration of the church in the area. There will thus be in one and the same ecclesiastical diocese, many exarchs or patriarchs of the same confession, many ruling synods of the same faith, in contravention of all the holy canons mentioned. In other words, if the racial principle is followed, no diocesan or patriarchal church, no provincial or metropolitan church, no episcopal church, not even a simple parish, whether it be the church of a village, small town or suburb, can exist with its own proper place or area, containing within it all those of one faith. The evil of ecclesiastical division, confusion and disruption goes right down as far as "the congregations meeting in houses". Is not Christ thus divided, as He

was once among the Corinthians, by those who say: "I am for Paul, I am for Apollo, I am for Cephas" (*I Cor. I, 12*)? What shall be left, other than the black night predicted by the Lord in the Gospels: "I tell you, on that night there will be two men on one bed; one will be taken, the other left. There will be two women grinding corn; the one will be taken, the other left. There will be two men in the field; one will be taken, the other left" (*Luke XVII, 34*)?

The fourteenth Apostolic canon decrees: "No bishop is to be allowed to abandon his own congregation to trespass in another, even if he be pressed by many, unless there be some good reason constraining him to do so, such as his being able to confer some benefit on the people there, by reason of godliness. And he shall not do this on his own initiative, but only when many bishops judge it right, and after much entreaty." The fifteenth commands: "If a presbyter or a deacon or any of the list of the clergy has left his parish and gone to another and has completely changed his residence, and if he remains there against the wish of his own bishop, we command that he shall no longer officiate; and if his bishop has called on him to return, and he did not obey, but persisted in irregularity, he is to communicate there as a layman." The fifteenth canon of Nicaea prescribes: "No bishop, presbyter nor deacon is to travel from city to city. Should anyone after the definition of the Holy and Great Council undertake or set about doing this, his action will be entirely invalid." The fifth canon of Chalcedon declares: "As far as concerns bishops or clergy removing from city to city, we declare that the canons promulgated by the holy Fathers on this matter prevail."

The thirty-fourth Apostolic canon decrees: "The bishops of each nation must recognize the first amongst them, and he shall preside as head and they shall do nothing extraordinary without his consent, and each bishop is only to do such things as are proper to his congregation and the areas under his authority."

The thirty-fifth decrees: "A bishop must not venture beyond his boundaries to perform ordinations in towns and areas not subject to him. If he be convicted of having done so, against the wishes of those who have jurisdiction in those towns or areas, he shall be deposed along with those he has ordained."

All these and many other parallel canons which support the ancient government of the Church, consolidate its ancient administrative system, insure the rights of the individual churches, remove scandals, and order and accomplish in the night of this illusory life the Church's vocation of working towards the salvation of mankind — all this venerable legislation of the Church, if the racial principle is admitted, is completely overthrown and made useless, bringing down at the same time the structure of orthodox church government.

The adherents of this principle in the Church will perhaps say that when it is implemented there can also exist diocesan churches with geographical boundaries and metropolitan, provincial, episcopal and parish churches within a specific area, as included in the demands of the above canons. They claim that the canons prohibiting clerics to move around will not be violated at all, because none of the bishops will be allowed to remove to an alien province; that the only innovation will be that within the canonical boundaries of one patriarchal, metropolitan, episcopal or parish church there will be as many patriarchs, metropolitans, bishops and parish priests as there are racial groups, each of

them having under his pastoral jurisdiction the flocks of the corresponding race and language living there: that to establish this racial system in the Church, the only requirement will be the drawing up of certain agreements and ecclesiastical canons to determine the mutual relations between these racial churches, pastors and flocks. Yet such a novel reform and reorganization of the prevailing ecclesiastical administrative system, entailing as it does the repeal or amending of a large number of canons of the Catholic Orthodox Church and requiring new ones, is not a task for any single local church or local synod. No Oecumenical Council would find it right or in the interests of Christianity as a whole to admit such an ecclesiastical reform to serve the ephemeral idiosyncrasies of human passions and base concerns, because, apart from certainly overthrowing the legislative achievements of so many senior Oecumenical Councils, it implies other destructive results, both manifest and potential:

First of all, it introduces a Judaic exclusiveness, whereby the idea of the race is seen as a *sine qua non* of a Christian, particularly in the hierarchical structure. Every non-Greek, for instance, will thus be legally excluded from what will be called the Greek Church and hierarchy, every non-Bulgarian from the Bulgarian Church, every non-Russian from the Russian, and so on; and this, even if the spiritual and pastoral advantages of a particular man make it necessary and desirable to appoint him to the church of an alien race. Even if he were ever appointed, he would be regarded everywhere as alien and suspect. As a Jew, St. Paul, the Apostle of the Gentiles, could only have been a pastor in one nation, the Jewish; among the Illyrians, he would not have been accepted, or he would have been regarded as suspect because of his alien race. Similarly, SS. Cyril and Methodius, being of Greek origin, would not have been accepted among the Slavs. What a loss this would have entailed in the Church! Later, racial selfishness would arise in each of the racial churches to such an extent that it would choke religious sentiment, so that it would be difficult to permit one of them to take care of or cooperate on behalf of another in accordance with Christian duty: it would be largely from racial interests. Among the people, racial sentiments and secular interests would have a disastrous effect on their hearts and would prevent religious communion with those of another race, either in the sacraments or in the other sacred rites. Thus the sacred and divine are rendered entirely human, secular interest is placed above spiritual and religious concerns, with each of the racial churches looking after its own. The doctrine of faith "in one, Holy, Catholic, and Apostolic Church" receives a mortal blow. If all this occurs, as indeed it has, racism is in open dispute and contradiction with the spirit and teaching of Christ.<sup>1</sup>

The Great Local Synod which met in Constantinople in August 1872 with these general principles in mind condemned racism, and issued its "Definition," which said amongst other things: "We renounce, censure and condemn racism, that is racial discrimination, ethnic feuds, hatreds

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1. "Εγγράφα Πατριαρχικά καὶ Συνοδικὰ περὶ τοῦ Βουλγαρικοῦ ζητήματος, pp. 405-416.

and dissensions within the Church of Christ, as contrary to the teaching of the Gospel and the holy canons of our blessed fathers which 'support the holy Church and the entire Christian world, embellish it and lead it to divine godliness'." <sup>1</sup>

*The Diaspora.*

In spite of this, racial thinking, which appears as unbridled nationalism, has not ceased, in some areas at least, to influence the thoughts and actions of some of the local Orthodox churches to the extent that it threatens the very unity of Orthodoxy.

Racial and racist theories and discrimination and an exaggerated emphasis on race in the Church have led the Church without hesitation to perpetrate acts which undermine true ecclesiastical government and organization. I do not propose to enumerate these acts here. It is, however, quite beyond question that excessive emphasis on the racial element has been to the detriment of the integrity of Orthodoxy. This has unfortunately occurred in the crucial problem of the Orthodox diaspora throughout the world (in Europe, Canada, Australia and particularly America), where fundamental ecclesiological principle is being violated, and canonical order is being undermined by there being in a single city more than one sovereign bishop, each looking after his own ethnic group. This makes Orthodoxy appear divided and at odds with itself over questions of authority, jurisdiction, dependence, subordination, racial and traditional differences and the like, with disastrous consequences when it comes to projecting its unity to the outside world. <sup>2</sup>

As Father Alexander Schmemmann maintains, unhealthy ecclesiastical nationalism is from this point of view a real heresy within the Orthodox Church, seriously threatening the work of salvation. <sup>3</sup> He points out with justification that when the adherents of racism in the Church accept the canonical axiom of one, single authority in each place as entirely correct, although not in the sense of its being the fundamental and unchangeable principle in church organization, and yet at the same

1. Ibid. p. 429.

2. CHR. KONSTANTINIDES, (now Metropolitan of Myra), 'Σημεῖα ἐνοῦντα καὶ διαφοροποιοῦντα τὴν μίαν Ὁρθοδοξίαν ἡμῶν,' in *Πανηγυρικός Τόμος ἐορτασμοῦ τῆς ἐξακοσιωστῆς ἐπετείου τοῦ θανάτου τοῦ ἁγίου Γρηγορίου τοῦ Παλαμᾶ, Ἀρχιεπισκόπου Θεσσαλονίκης*, p. 193 and H. ALIVIZATOS, 'Περὶ ἐνότητος ἐν τῇ Ὁρθόδοξῳ Ἐκκλησίᾳ,' in the same volume, p. 169.

3. A. SCHMEMMANN, 'Περὶ Νεοπαπισμοῦ,' in *Ὁρθοδοξία*, 1954, 76, trans. from Russian by Archim. N. KONTRUMBES, now Met. of Anaea.



time support the right of each autocephalous church to exercise a world-wide jurisdiction where its own diaspora is concerned, they are in fact attempting to reconcile two contradictories. They forget that they not only contradict themselves, but fall into a basic dogmatic error when they extend and apply the principle of the local church to the level of autocephaly and put it on a par with the principle of autocephaly, so as to declare the latter to be a fundamental principle of Orthodox ecclesiology, deriving from the Orthodox doctrine of the Trinity, and portraying the equality of honour of all the local churches as parallel to the equality of honour of the divine persons. This error lies in correlating the equality of honour of the local churches following the likeness of the divine persons not with the authentic local church in its strict sense, which is the unity of the bishop, clergy and people, but with the autocephaly, in other words with a particular alliance of local churches.<sup>1</sup> For in reality, the church organization is based not on autocephaly, but chiefly on the principle that one bishop stands for one church in one place. This, the local principle, makes quite plain by the unity and concord of the local church the unity of the new People of God, in which there is neither Jew nor Greek, but a new creation in Christ.<sup>2</sup>

There is in the Church an established order which does not admit racial theories and squabbles, or racist pursuits which are unsupported by the ecclesiological principles underlying the Church's organization, history and law, its canons, ancient practice and tested experience. There are theories which do not conform to the ethos of Orthodoxy and its broader perspective of numerical or proportional supremacy and precedence in ecclesiastical affairs, and are alien to its deeper essence, as well as being disastrous for the Church's survival and its future. These theories include expansionist tendencies, creating ecclesiastical protectorates, forming ecclesiastical alliances and factions and such ideas as lead the churches to attempt to reallocate the *πρεσβεία τιμῆς*, primacy and hegemony among equal sister churches, when history and law have imposed an established order of precedence and honour, help and collaboration centred on that Orthodox church in the East which is historically first, the Holy and Great Church of Christ. This church, as first and senior see, carries over the meaning of the unity of Orthodoxy in its contacts with the outside world.

When organizing and ordering orthodox affairs in the diaspora, the first rule must be to concentrate on the spirit and framework of the twenty-eighth canon of Chalcedon. When interpreted correctly and applied both historically and as circumstances demand, it could provide solutions to the ecclesiastical

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1. Historically, *autocephaly* means nothing more than the power given to a particular ecclesiastical area, in other words to an association of churches, to elect its first metropolitan or patriarch, depending on the titles in use (Ibid. p. 70).

2. Ibid. p. 72.

*impasses* of the diaspora and institute there the order which has prevailed for centuries. While this order preserves the absolute freedom and self-determination of each church in its area, it does allow the special *status quo* in wider inter-orthodox questions to emerge respected: the *status quo* which recognizes that the Holy and Great Church of Christ as the first throne (*πρωτόθρονος*), distinguished by a long history of activity, exercises the initiative and acts responsibly; the *status quo* which combines collaboration by the local Orthodox autocephalous churches with the Oecumenical throne with harmonious alignment of the Orthodox position on such issues as arise, in a system of action which breathes in the unity inherent in the Orthodox Church.<sup>1</sup>

Schmemmann does not believe that either interpretation of the canons or historical analysis are required to show the truth of the view that the indispensable unity of the local church is revealed in the diaspora through the jurisdiction of the Oecumenical Patriarch as first bishop in the Orthodox Church. Even if canon twenty eight and the earlier canons did not exist, the mere fact that the Oecumenical Patriarch is the first bishop provides a sufficient basis for him alone to take care of those new ecclesiastical bodies which have not yet reached the age for autocephaly. This jurisdiction is essential, not to exalt the Oecumenical throne, nor to extend its right and privileges, but for the local unity of the ecclesiastical life of the diaspora. This is the only way to settle amicably the three vital questions posed by the diaspora: the dogmatic question of the meaning of the *local* principle in the organization of the Church, the canonical question of the jurisdiction of the Oecumenical Patriarch over Orthodox Christians living beyond the boundaries of the established local churches, and the so-called psychological question of ecclesiastical unity.<sup>2</sup>

#### *The Twentieth Century.*

In the twentieth century, the Oecumenical throne has fulfilled the obligations entailed by its primatial position and has taken the initiative in every ecclesiastical movement: it has convoked Panorthodox conferences and deliberations, it has undertaken the study and direction of inter-orthodox and inter-church questions in agreement and cooperation always with the other Orthodox autocephalous churches, and has demonstrated unfailing interest on behalf of the other patriarchal thrones and the Orthodox autocephalous churches.

This period abounds in incidents and events which unmistakably show the Oecumenical throne's primatial position in the Orthodox East, not

1. CHR. KONSTANTINIDES, *op. cit.*, p. 197-198.

2. A. SCHMEMMANN, *op. cit.*, 74 and 68.

as a distant fact of past history, but as a living, active principle. However, as these events are to a great extent contemporary with my own lifetime, I do not propose for reasons of historical objectivity to go into a detailed analysis or evaluation of them. This I believe to be the duty of future writers; I shall restrict myself to giving a chronological record of certain key events:

1. On behalf of the Russian Church, Patriarch Tikhon of Moscow (elected in 1918) informed the Oecumenical Patriarch of the important changes which had been effected in the Russian Church during the course of 1917. He expressed his church's regret that the Georgian Church had separated from it, and asked for the support of the Oecumenical throne in the controversy. The Georgian Church had also appealed to Constantinople to ask for the Oecumenical throne's blessing on its autocephaly.

2. When the so-called Living Church schism occurred in 1922 and 1923, both the Patriarchal and the "Living Church" appealed to the Oecumenical Patriarch.

3. The Ukrainian hierarchy in the Soviet Union appealed to the Oecumenical throne and asked for its support.

4. The Churches of Finland, Esthonia, Poland, Czechoslovakia and Albania approached the Oecumenical throne to legalize their canonical positions.

5. During its sufferings over the patriarchal election of 1933, the Church of Antioch requested and obtained help from the Oecumenical Patriarchate.<sup>1</sup>

6. In 1933, 1946 and 1947, the Church of Cyprus addressed itself to the Oecumenical throne and obtained help.

8. The Oecumenical throne expressed the spirit of Orthodoxy by cultivating the oecumenical idea in the hearts of the Orthodox Church by working for its realization in the Christian world. The two historic texts of the Oecumenical throne on this question bear this out; firstly, in 1902, Patriarch Joachim III addressed an encyclical to the local Orthodox churches which posed the problem of discovering "points of encounter and contact" with the other churches and proposed that there should be deliberation in common "to prepare a level of normal, friendly reciprocal approach and to determine by full agreement of the members of our entire Orthodox Church the premisses, measures and means which shall be judged as best." Secondly, in 1920, the Oecumenical Patriarchate addressed a synodical encyclical to the Churches of Christ everywhere and

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1. A. KARTASCHOFF, *op. cit.*, p. 298.

called upon them to set up a "League of Churches" on the model of the League of Nations.

8. During the patriarchate of Meletius IV, it convoked the Panorthodox conference of 1923 in Constantinople.

9. In February 1945, during the patriarchate of Benjamin I, at the request of the Bulgarian Church it lifted the Bulgarian schism by issuing the patriarchal and synodical *Tomos* granting the autocephaly of the Orthodox Church in Bulgaria.

10. It pioneered an inter-orthodox and inter-christian initiative by convoking within four years the three Panorthodox conferences in Rhodes. The first, which met from the 24th of September to the 1st of October 1961, approved the agenda of the projected Great Panorthodox Council. In the second (26th - 30th of September 1963), it was agreed to propose a dialogue "on equal terms" to the Church of Rome. In the third (1st - 15th of November 1964), the Orthodox Church's desire as expressed in the proposal of the second conference was reiterated, and the wish was expressed that the local Orthodox churches should study the details of the subject of this dialogue from the Orthodox point of view. It was agreed to set up at once inter-orthodox committees of specialist theologians to carry on discussions with the Anglican and Old Catholic Churches. Finally, the Patriarchate called the fourth conference at the Orthodox Centre of the Oecumenical Patriarchate in Geneva. This conference, which met from the 8th to the 15th of June 1968, studied and prepared a plan to determine how to prepare by inter-orthodox cooperation the work of the Holy and Great Council which would be pronouncing upon the subjects on the agenda compiled by the first Panorthodox conference. The 1968 conference examined what progress had been made and what should be done next to improve the relations of the Orthodox Church with the Roman Catholic, Anglican, Old Catholic, Non-Chalcedonian and Lutheran Churches. Finally it looked at how the Orthodox Church could make a fuller and more systematic contribution to the work of the World Council of Churches generally, particularly in view of the fourth General Assembly of the World Council of Churches in Upsala.

From what I have outlined of the Oecumenical throne's extensive activities in widely differing historical circumstances and its relations with all the local Orthodox churches, the Oecumenical throne clearly emerges as having fulfilled in its entirety the obligation it holds as *πρωτόθρονος* towards Orthodoxy as a whole. It has constantly made initiatives towards Panorthodox and inter-christian action, always in agreement with the other Orthodox churches.

## CONCLUSION

In both Orthodox and non-orthodox theology, the Church's sacramental form and essence unquestionably preclude any full and clear definition of the Church. "Bulgakov was regarded as having expressed this theological *impasse* most successfully when he pointed out that as the Church is *life*, it consequently is only to be lived ('Come and see') and cannot be precisely determined or defined."<sup>1</sup> Yet it is equally unquestionable that at the point in history when the Son and Word of God became flesh as the Jesus of history and hypostatically united divine and human in Himself, He laid the historical foundation of the Church as a reality never to be repeated in man's progress towards the last state through the Church and in the Church of Christ.

To be more precise, *Church* has existed on earth from the moment when the Saviour called the twelve to Him, thus forming the nucleus of the visible Church. It has been correctly pointed out that while this number, biblical in origin and symbolic in the theological meaning it contains in a mystical dimension, is not defined in its pragmatic historical extension in the tradition of the Church, it does indicate the purely sacramental size of the Church in the plan of the divine oeconomy.<sup>2</sup>

On the evening after He rose from the dead, Christ made His first appearance to the ten disciples and their companions and said to them: "As My Father has sent Me, so I send you . . . Whosoever sins you forgive, they are forgiven; whosoever you retain, they are retained." And when He bade His disciples farewell before His Ascension, He commanded them to "go and teach all nations, baptizing them . . .," and promised them: "I am with you always, until the end of time," clearly implying that the charge He entrusted to the Apostles and the power He gave them would remain in the Church for ever.<sup>3</sup>

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1. ST. HARKIANAKIS, *Περὶ τὸ ἀλάθητον τῆς Ἐκκλησίας ἐν τῇ ὀρθοδόξῳ θεολογίᾳ*, p. 39. Cf. CHR. ANDROUTSOS, *Δογματική*, 2, 1956, p. 262. P. TREMBELAS, *Δογματική* II, 1959, 339-340. P. EVDOKIMOV, *L'Orthodoxie*, p. 123.

2. HARKIANAKIS, *op. cit.*, p. 42. cf. EVDOKIMOV, *op. cit.*, p. 161, and I. KALOGEROU, *Περὶ τὸν χαρακτῆρα τῆς Ὀρθοδόξου Καθολικῆς Ἐκκλησίας κατὰ τὰς ἐν τῇ Καινῇ Διαθήκῃ θεμελιώδεις σωτηριολογικὰς ἀρχάς*, p. 17.

3. TREMBELAS, *op. cit.*, II, p. 371.

As long as the Apostles were alive, they exercised this spiritual power as direct, divinely commissioned trustees of the Lord. Either they or their fellow-workers went from place to place ordaining initially presbyters and deacons and later bishops. After the death of the Apostles, the office of bishop came to be the highest in the Church.

Semantically and etymologically, the episcopal office is linked to the local community. The bishop is not an Apostle, but a minister who has received from the Apostles the special *charisma* of presiding over the community. His essential duties are not, as were those of the Apostles, missionary, but rather sacramental and pastoral.<sup>1</sup> "I advise you to study to do all things in godly accord, the bishop presiding in the place of God," Ignatius of Antioch wrote around 100 to the Magnesians.<sup>2</sup>

So the bishop is a "type of God" and representative of the Lord in the local church, installed in the "place of God" by the Apostles or their fellow-workers. He presides over the worshipping assembly, in particular over the Eucharistic assembly, and is the pastor of the church allotted to him. The early Church saw the bishop as the successor of the Apostles who bears witness to the sacramental life of the Church and as the representative of God "Who reveals and redeems."<sup>3</sup>

In the local church, the bishop holds the undisputed "place of head." "Wherever the bishop shall appear, there are the people to appear, just as wherever Jesus may be, there is the Catholic Church."<sup>4</sup>

The head of the Church is its divine founder, but from a theological perspective the bishop who<sup>5</sup> represents and as it were takes the place of the Lord in the Church is also regarded justifiably as its head, because "whomsoever the master of the house sends to be steward over it, we ought to receive as him that sent him."<sup>6</sup>

1. J. MEYENDORFF, *Orthodoxie et Catholicité*, 23.

2. IGNATIUS, *Magnesians* VI, 1.

3. I. ZEZIOULAS, 'Η ἐνότης τῆς Ἐκκλησίας ἐν τῇ Θεῇ Εὐχαριστίᾳ καὶ τῷ Ἐπισκόπῳ κατὰ τοὺς τρεῖς πρώτους αἰῶνας, pp. 47 f., 151 f. B. BAZATOLE, 'L'Évêque et la vie chrétienne au sein de l'Eglise locale,' in V. CONGAR - B. D. DUPUY, *L'épiscopat et l'Eglise universelle*, p. 340. O. PERPER, *L'évêque représentant du Christ*, Ibid. p. 31. G. DIX, *The Shape of the Liturgy*, p. 39. K. BONES, 'Ο Ἅγιος Ἰγνάτιος ὁ Θεοφόρος, p. 14. B. PHEIDAS, op. cit., pp. 21-22.

4. IGNATIUS, *Smyrnaean's* VIII, 2.

5. I. KARMIRIS, 'Η ἐκκλησιολογία τοῦ Μεγάλου Βασιλείου,' in 'Επιστημονικὴ Ἑπετηρὶς Θεολογικῆς Σχολῆς τοῦ Πανεπιστημίου Ἀθηνῶν, 1958, 117. A. THEODORAS, *Ἱστορία Δογμάτων*, I, pp. 262 f. PHEIDAS, op. cit., p. 24.

6. IGN. *Ephes.* VI, 1.

There is no power in the Church above that of the bishop. Yet this power is seen as *within* not *over* the Church. The bishop is the focal point and head only of the local church subject to him. Yet he is head of the Church of God in one place for a limited group of people, for the specific number of souls which have been entrusted to him. He acts as pastor and presides over the worshipping assembly and the sacraments in his local church which is also for him the realization of the Church of God in time and space. As head of the body of the local church, the bishop personifies and constitutes in himself the entirety of the local church.<sup>1</sup>

The organic unity of bishop and local church, a unity lived above all in the Holy Eucharist, a unity modelled on that of head and body, makes the bishop the vehicle of this unity. The Church of the first centuries was profoundly conscious of the unity of bishop and local church. Ignatius sees the entire local church in the person of Polybius, Bishop of Tralles:

"I have learned that you have a mind which is blameless and steadfast in patience, not from habit, but by nature, as Polybius your bishop informed me, who by the will of God and of Jesus Christ visited me in Smyrna; and so greatly did he rejoice with me in my bonds in Christ Jesus that I beheld the whole multitude of you in him. So having received your godly love through him, I gave glory, finding that you are imitators of God as I had learned."<sup>2</sup>

As we know from Ignatius of Antioch, right from the beginning of the second century there emerges the realization that "the bishops that are established in the furthest parts are in the mind of Jesus Christ."<sup>3</sup>

This is of particular importance for the unity of the Church throughout the Christian world, which is reflected in the area of authority and expressed in ecclesiological faith through the institution of the councils, particularly the Oecumenical Councils.<sup>4</sup> But viewed in the light of St. Ignatius' definitive ecclesiology which sees the whole Christ revealed in the unity of each church, the unity of the bishop established in the furthest parts of the world must be understood as "sacramental identity". Given that in Ignatius' ecclesiology each church is united in its bishop and is present in him as the body of Christ, whenever all the bishops come together in one place they are all in the same Jesus Christ. Oecumenical unity does not, therefore, lie in individual elements' being complementary, or in achieving a democratic "majority" of persons, but in the corres-

1. E. Lanne, 'Le mystère de l'Eglise dans les perspectives de la Théologie orthodoxe,' in *Irenikon* 1962, 206.

2. IGN. *Trallians* I, 1-2.

3. IGN. *Ephes.* III, 2.

4. G. KONIDARES, 'Η διαμόρφωσις τῆς Καθολικῆς Ἐκκλησίας μέχρι τῶν ἀρχῶν τοῦ ε' αἰῶνος καὶ οἱ Τρεῖς Ἱεράρχαι, p. 27.

pondence and identity of the local churches with one another in one centre, the "mind of Jesus Christ".

St. Cyprian expresses a similar conception of the unity of the churches in one Church throughout the Christian world. In full agreement with earlier tradition, he regards the bishop as the centre of the Church's unity and the Church as being based on him.<sup>1</sup> Cyprian saw the foundation of the Church's unity in the unity of the local episcopal churches, because "*ecclesia super episcopos constituatur et omnis actus ecclesiae eosdem praepositos gubernetur.*"<sup>2</sup> According to Cyprian's theology of the unity of the churches, "each of the bishops partakes of the same episcopal power and office not as part of a whole, but as an expression of the whole." "Not just all the bishops in common, but every individual bishop is a successor of the Apostles," and conversely, not only each bishop, descended from the Apostles by the unbroken Apostolic succession, is their successor, but so are all the canonically installed bishops who preserve the Apostolic succession.<sup>3</sup>

This concept of unity in identity underlay the consciousness of oecumenicity of all the churches during the first three centuries. Yet how was this identity of the churches with one another in the same centre, the mind of Jesus Christ, guaranteed?

1. Temporal or historical correspondence with the past and above all with the first Church of the Apostles was regarded as indispensable. This element of historical retrospection was so strong in the Church's consciousness during the first three centuries that the terms *one Church* and *early Church* have come to be closely identified and can be used to define each other.

2. It is also regarded as indispensable to determine the identity of the churches throughout the world in the same faith and life, "in the mind of Jesus Christ." This means that to be "catholic", each church must be identified with the other churches and live in full communion with them. The need to determine this precisely led the *council* or *synod* to emerge as an institution, and its profound content during the first three centuries is revealed by St. Ignatius' statement: "The bishops that are established in the furthest parts are in the mind of Jesus Christ." Yet this element of geographical catholicity was not by itself sufficient for the unity of "the Catholic Church throughout the world." Its meaning and importance are entirely dependent on the existence of the first, temporal element which looked back to the primitive Church and the consequent verification of the identity of each church with its Apostolic forbear.

1. I. ZEZIOULAS, op. cit., pp. 138 and 139.

2. CYPRIAN, *De Catholicae Ecclesiae Unitate*, V, "Episcopus unus est, cuius a singulis in solidum pars tenetur."

3. Cf. I. ZEZIOULAS, op. cit., p. 139 and PHEIDAS, op. cit., p. 25.



Yet neither of these two elements was capable of determining precisely the correspondence of the churches "in the mind of Jesus Christ" without a third element: the charismatic or sacramental element of catholicity. It is to be noted that when the Church looked back historically to its Apostolic forebear, and when the churches throughout the world came together, it was always in the persons of the bishops, as pastors responsible through the Apostolic succession for the local churches, and always based on the ecclesiastical principle of episcopal orders, episcopal charisma and episcopal authority constituted of God and established by the Apostles in the Church. The link with the past was again realized by drawing up local lists of bishops. These were well known and perpetually in use, showing the unbroken succession of the bishops of each church going back to one or more Apostles. The meeting in one place of the local churches was realized by episcopal councils. This must be linked to the concept clearly expressed by St. Irenaeus that the truth of the Church is inseparably linked with the charisma of truth in the priesthood, and is accordingly preserved by the bishops: "*Qui cum episcopatus successione charisma veritatis certum secundum placitum patris acceperunt.*"<sup>1</sup> Yet if this is the case, the precise determination of the Church's catholicity is in the last analysis organically and inseparably linked with the unity of the sacrament of the Holy Eucharist, given that the *charisma veritatis* of the priesthood is given exclusively in the Eucharist.<sup>2</sup>

Yet if all the local churches are complete in themselves on account of the real presence of Christ in the Eucharist, and if all the bishops receive the same spiritual authority through canonical sacramental communion, how are we to explain the origin of the *πρεσβεία*, the primatial prerogatives?

As was said earlier, while each local church was conscious of being itself complete, this consciousness did not entail its isolation from the common, broader union and identity of the churches, because its integrity was not a private possession, but a gift of God's grace to every local church.<sup>3</sup> All the local churches throughout the world lived the same reality in the Eucharist, and as a result witnessed to the unity in the Eucharist of the Church of God. It was this Eucharistic unity which was the nucleus of unity in the true faith and love. As a result, all the local churches which live the same Eucharistic reality must bear witness in the same way in faithfulness to revealed truth, in other words to the Scriptures and Apostolic tradition. Consequently, what we call in ecclesiological language *Apostolic succession* includes as well as the succession of per-

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1. IRENAEUS, *Contra Haereses*, IV, 26, 2.

2. Cf. I. ZEZIOULAS, *op. cit.*, p. 142-144.

3. A. SCHMEMMANN, 'La notion de primauté dans l'Ecclésiologie orthodoxe,' in *La primauté de Pierre dans l'Eglise orthodoxe*, p. 132.

sons the identity of believed, confessed and taught truth in the Church, unbroken in succession and tradition. The Apostolic succession is thus interpreted in its two-fold dimension, as a succession of persons in the institution of bishops, and a succession of faith, tradition and teaching. Yet not all the local churches could boast a direct and unbroken succession of bishops back to Apostolic times. Many had come to know Christianity not from a particular Apostle, but through the missionary activity of another local church. The Apostolicity of these churches has not been contested precisely because the meaning of *succession* was extended to include the integrity of the faith and truth they had received from their mother church and which they had preserved intact throughout the centuries, together with the *charisma* of truth and faithfulness *derived from and passed on through* the priesthood.

It is clear that the witness of those local churches which were directly linked with the Apostolic period was seen as in a way more authentic than that of the local churches whose link to the Apostolic period was through a mother church. This evaluation of the witness of every local church by the closeness of its connection with the Apostolic tradition in a sense gave a privileged position to those Apostolic churches which could demonstrate the fidelity of their witness to the Apostolic tradition. As long as the Church did not face doctrinal problems, each local church attempted to lead an integral life in accord with Apostolic tradition, and identity with this tradition assured unity in the true faith. Whenever any serious question arose, the local churches without direct Apostolic foundation would have recourse to the mother church. Yet the relations of "mother" and "daughter" churches in no way affected the integrity of the latter, because these relations were specifically designed to avoid this. What was a difficult problem for one local church was at the same time a problem of the whole Church of God. When a particular local church offered its own witness, this was a confession of its experience in what was taking place in the church which was in difficulty. Consequently, when the witness was offered, it implied that this witness was to be preferred as more authentic, because these churches could prove a direct link between their Apostolic traditions and Apostolic times.<sup>1</sup>

Thus the *προσβεία* meant originally a preference for the witness of the mother church, which expressed its witness in the large assemblies of bishops, in synods or councils. These were convoked by the bishop of

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1. B. PREIDAS, *op. cit.*, 26-27.

the mother church, and through him and in him the mother church received the honour recognized to it. At first these local synods were convoked extraordinarily to resolve various problems of general interest. So although they made an important contribution to the formation and implementation of the *προσβεία*, they cannot be seen as the only decisive factor in their emergence. Other factors, such as Apostolic foundation, political importance of the cities concerned, the extent of missionary activity and ecclesiastical authority in general played a large part<sup>1</sup> in developing the *προσβεία*, which initially emerged in the local synods, where the bishops of the mother churches would usually preside. The evolution of the *προσβεία* was particularly favoured by neighbouring bishops' coming together to consecrate a bishop for a vacant see. The purpose of these episcopal assemblies was to preserve the unity of the Church by confirming the communion of the body of bishops to which the newly consecrated bishop would be admitted, and they greatly helped to implement the *προσβεία*, because the principal celebrant during the consecration was usually the bishop of the mother church honoured with the *προσβεία*. It is characteristic that the bishop's consecration took place before the principal part of the Eucharist, in which the sacrifice takes place, began. Immediately after the consecration, one of the bishops "offers the sacrifice to the hands of him who has been consecrated," and the new bishop thereafter acts as principal celebrant in the Eucharist. The "offering of the sacrifice" to the newly consecrated bishop plainly showed not only that the local church in the person of the bishop felt itself completely to be the Church, but also that the new bishop was already in communion with the other bishops, that the local church's Apostolicity was sacramentally valid from that point, and its communion with the other churches was guaranteed.<sup>2</sup>

While the *προσβεία* in the local synods were largely those of a president or chairman, they penetrated more deeply into the practice and consciousness of the Church through episcopal consecration. The combination of the honour of presiding in the synods and of actively participating in episcopal consecrations as principal celebrant became the pivot of the universal development of the customary order of the *προσβεία τιμῆς* and the most important constituent of the canonical administrative *προσβεία*.<sup>3</sup>

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1. J. MEYENDORFF, *op. cit.*, 24-26.

2. Cf. SCHMEMMANN, *op. cit.*, 133.

3. See PHEIDAS, *op. cit.*, 50.

Yet while the principle of the local churches was the first yardstick in ecclesiastical organization, organically deriving from the very nature of the Church, the way in which it was realized in history was different, and related to the changing conditions of the life of the Church. The first stage in this process was the union of the local churches in areas varying in size. At the same time, the hierarchy of senior and junior sees came into being. Originally Christianity was consolidated in the great cities of the Roman Empire, but later new communities with their own bishops started to grow up around these first centres, preserving their connection with the mother church, from which they took their clergy, the "rule of faith" and liturgical tradition. Thus, as early as the period of the persecutions, natural ecclesiastical unions or provinces were formed, in which the bishop of the senior church was called metropolitan.<sup>1</sup>

In the ancient oecumenical Church, the metropolitans were not distinguished from other bishops in their episcopal dignity; their superiority to the other bishops lay in their prerogatives of administrative power and the size of the geographical area where they exercised this power. On the basis of his more extensive power, the metropolitan had charge of an ecclesiastical province which contained a number of episcopal sees. He would take precedence among the ordinary bishops, who recognized him as the spiritual leader to whom they could turn should any vital matter arise. To indicate that they were ecclesiastically subject to the metropolitan, the bishops of the province would mention his name during the Eucharist. As first bishop in the provincial administration, the metropolitan would consecrate bishops-elect in his province, would preside twice a year over provincial synods and would act as judge in disputes between bishops or when charges were laid against them. The *προσβεία* of metropolitans were therefore not an expression of mere honour, a mere "presidency" as in a parliamentary chamber. They developed in such a way that they came to contain real power.<sup>2</sup>

Together with the provincial synods which met under their presidency, the metropolitans really bore the full weight of ecclesiastical administration in the early oecumenical Church. The early Church wisely recognized a reciprocity of prerogatives and obligations in the relations between president and synod, combining collegiality with authority in the person of the metropolitans. It prescribed that:

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1. A. SCHMEMANN, 'Tserkov i tserkovnoje oustrojstvo,' in *Messenger de l'Exarchat du Patriarche russe en Europe occidentale* XVII, March 1949, 11.

2. A. SCHMEMANN, *La notion de la primauté* . . . p. 42.

The bishops of each nation must recognize the first amongst them, and he shall preside as head, and they shall do nothing extraordinary without his consent, and each bishop is only to do such things as are proper to his congregation and the areas under his authority. But neither is the (first bishop) to do anything without the consent of all. For in this way there shall be concord, and God shall be glorified through Our Lord Jesus Christ, and the Father through the Lord in the Holy Ghost, the Father, the Son, and the Holy Ghost.<sup>1</sup>

This canon interprets the general guiding principle of local church administration and gives a clear precise indication of who is the centre and who are the branches of this administration. It clarifies the mutual relations between them which must order the proper progress of ecclesiastical life, and it makes clear that one of the bishops of a province must be honoured as first and head. The other bishops must have recourse to him in matters of general church administration: "they shall do nothing extraordinary without his consent." Similarly, the first bishop should "without the common consent of his concelebrant bishops" do nothing which affects the common welfare of the Church, because harmony and love must prevail amongst the bishops as an example to the clergy and people and for "the glory of God, through the Lord, by the Holy Ghost."<sup>2</sup>

While all the bishops must therefore participate in administering their local church, the administration must also be executed by the special authority of one of them in the capacity of head of the others. For this purpose, the first bishop adopts the rôle of central ecclesiastical administrator in the province.

Significantly, the canons which prescribe the rights of metropolitans place particular emphasis on the power to consecrate the bishops of the province. Canon four of the Council of Nicaea stipulates: "In each province it is the metropolitan who gives authority to what has been done."<sup>3</sup> Canon nineteen of the Council of Antioch of 341 regards the presence of the metropolitan as necessary:

A bishop is not to be consecrated without a synod or unless the metropolitan of the province is present. When he is present, it is better that all the concelebrating (bishops) in the province should be present with him.<sup>4</sup>

Canon eight of Ephesus sees the most important element of the Church of Cyprus' dependence on the throne of Antioch as lying in the

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1. 34th Apostolic canon. G. RHALLES and M. POTLES, *op. cit.*, II, 45.

2. G. RHALLES and M. POTLES, *op. cit.*, II, 45-47.

3. *Ibid.* II, 122.

4. *Ibid.* II, 160.

latter's power to consecrate bishops for the island. For this reason the canon declared the autonomy of the Cypriot Church by entrusting the power of consecration to the "Presidents" of that church.<sup>1</sup>

Similarly, the metropolises later came to be united around the sees which were the oldest, or lay in the capitals of secular dioceses. Eventually the bishops of these sees came to be called patriarchs and to hold the same special prerogatives and privileges over the metropolitans as the latter hold over the bishops.

Amongst these patriarchs, those of Rome and New Rome came to be exalted over the other patriarchs in their status and influence in church affairs.

It can be said that ecclesiastical history and canonical tradition recognize three grades of *πρεσβεῖα*: those of metropolitans, those of patriarchs or heads of autocephalous churches, and the oecumenical *πρεσβεῖα* of Rome and New Rome.<sup>2</sup>

These canonical and administrative institutions did not just emerge as time went on without there being any canonical necessity for them. They represent crucial needs in the visible organization of the Christian Church as it exists on earth. Confirmed and canonically recognized, their prerogatives and status safeguard the propriety and legality of ecclesiastical exchanges and ensure unity and progress in the life of the Church. They are closely related to the doctrinal teaching on the essence of the Church, because they act as representatives and guardians of divine and spiritual authority. They are the foundations of the external ecclesiastical organization in that this organization has found in their person its highest and complete development.

Although these institutions owe their origin to historical conditions and to the gradual development of the Christian Church in its external form, it is on their basis that the ecclesiastical rule is to be found: the ecclesiastical principle conceived in the legal institution and existing naturally, which distinguishes the Church from every other visibly existing society. In all the many external forms of administration, the ideas and aims of the ecclesiological basis of the administrative structure and organization thus emerge.

As a result, the whole progress and development of the Church's

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1. Ibid. II, 203.

2. SCHNEMANN, op. cit., p. 119. A. ZAOZERSKII, *On power in the Church* (in Russian) SERGIEF POSAD 1895, 218 f.

administration in all its external and visible forms must be seen as indispensable in the sense that only in this organization can the Church continue to exist in the midst of human societies and fulfil its own destiny. Thus even the highest institutions of its historical development, such as the emergence of the office of patriarch in the oecumenical Church, must be seen as vitally necessary phenomena, deriving in ecclesiastical life by a gradual and continuous process from the ecclesiastical idea of order, organization and perfection in administration, under the same conditions as those under which the whole administration of the oecumenical Church has evolved; phenomena fully in accord with the internal presuppositions of ecclesiastical order as these were recognized by the Church itself and were developed in its legislation.

Although the various institutions of church administration at all levels were legally enacted in varying historical situations, they nevertheless exist in inevitable internal harmony with the essence of the Church, with the nature of its inherent destiny. It is on the basis of this harmony that the relative advantages and advisability of various kinds of church administration are assessed. The relative suitability of various institutions in the structure and organization of the Church is also evaluated on the same criterion.

It is clear that what is meant here is the permanent element in administration. Ecclesiastical administration cannot simply be seen as a collection of human institutions, directions and forms of various kinds which undergo considerable change depending on the time and place. Quite the contrary; the administration of the Church has fundamental principles which exclude any arbitrary determining of its institutions, do not allow measures to be taken indifferently or negligently and demand a particular orientation in their actions. It is the canonical element which indicates these fundamental principles and defines them, and this element is consequently of unrivalled importance in the development of ecclesiastical administration and of the entire government of the Church. The ecclesiastical institutions evolve along the lines indicated by this canonical element, which establishes what relations shall exist between the institutions and apportions their spheres of jurisdiction. In sum, the canonical element is of such importance in the administration of the Church that it governs the other two elements: the dogmatic and historical.

The dogmatic element represents that divine, spiritual and charismatic power with which Christ was invested when He founded the Church and became its head: the power which He gave to His disciples and in them to all their successors, the pastors of the Church, who are

established in this calling by the Holy Ghost which came down on the Apostles themselves as a guarantee of the unique mission of those sent by God to execute the divine oeconomy of the Christian Church and as a guarantee of the never failing presence of Christ in it. So the hierarchy has fundamental importance in the sense that it creates the visible Church and at the same time constitutes the divinely instituted society essentially distinguished from all other human societies. It is a pragmatic, legal and sacerdotal principle and forms the basis of all order in the Church. Yet the Church of Christ does become involved with secular society, to a certain extent submitting to the conditions of human society, so as to become quickly a visible society which can live and evolve in visible human dimensions under the influence of various creative associations prevailing among men. This, then is the origin of the historical element. Its significance is generally defined from the influence of secular forces and institutions in the order of the Church and ecclesiastical affairs.

Just as the dogmatic element represents in Church administration the basis which indicates the source of the power acting in every institution of the Church, so the historical element introduces a dynamic factor into the life of the Church. This is the factor which finds its customary expression in the principle of diversity of forms which is visible in the way prevailing conditions alter according to the time and place. To reconcile the dogmatic and historical elements, a coordinating element is required. This is precisely the function of the canonical element.<sup>1</sup>

The conclusion thus emerges that, as it evolves, the canonical system of ecclesiastical administration can have administrative institutions in different forms which do not differ from one another in essence or in the basic spiritual power they wield; in external administrative importance, some of them are more important than others. Thus even if all the bishops are equal by divine institution, enjoying to the same degree the gift of the episcopal grace and share the same unbroken Apostolic succession, they are not all equal-in-honour in the canonical system of the ecclesiastical administration: they have different titles and different prerogatives, depending on how far their historico-ecclesiastical status has developed. Some bishops emerge as senior to the others, wielding greater influence than they do. Enjoying special privileges, they take the initiative in general ecclesiastical issues. In practice, the tradition of the Church has safeguarded the "hierarchy of honour," which is the same as that other-

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1. BARSOV, *op. cit.*, 79, Cf. SCHMEMANN, *op. cit.*, 119-121.



wise called *πρεσβεΐα τιμῆς*. To deny this in the name of some inadequately understood "equality-of-honour" is a spurious substitution of genuine catholicity by dubious ideas about equality.

The Orthodox Church has always recognized that each area has its first bishop, whether he were called metropolitan, archbishop or patriarch, and has always acknowledged the first among the bishops of the whole oecumenical Church. After the schism, this first bishop has been the Patriarch of Constantinople,<sup>1</sup> whose authority was recognized as early as the fourth century by Oecumenical Councils as equal in honour and power to that of the Pope of Rome. In the West, various factors led the Bishop of Rome's authority to become absolute power. This papal power claimed to absorb that of all the other primates of the Christian Church, and to make the Pope the unrestricted leader and supreme judge of the Church. In contrast, while Constantinople's authority and influence marked him as the supreme leader in deciding upon inter-church issues, the participation of the other bishops, particularly those of the older churches of the East, was regarded as vital.

So while the Pope's authority in practice brought all aspects of ecclesiastical life under papal power, that of the Patriarch of Constantinople simply entailed successfully organizing and regulating all facets of ecclesiastical life so that general questions could be studied in common and given direction. As a result, the position of the Oecumenical Patriarch can never be compared with that of the Pope. In no circumstances should the arguments in favour of the prerogatives and privileges of the Oecumenical throne be identified with the theory of the papacy, with the suggestion that the Orthodox Church is working towards neo-papacy.

The Patriarch of Constantinople rejects any *plenitudo potestatis ecclesiae* and holds his supreme ecclesiastical power not as *episcopus ecclesiae universalis*, but as Oecumenical Patriarch, the senior and most important bishop in the East. He does not wield unrestricted administrative power. He is not an infallible judge of matters of faith.<sup>2</sup> Always the presupposition of his power is that in using it he will hold to two principles: conciliarity and collegiality in the responsibilities of the Church and non-intervention in the internal affairs of the other churches; in other words the two basic canonical principles of the supreme administration of the

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1. SCHMEMMANN, 'Περὶ Νεοπαπισμοῦ,' in *Ὁρθοδοξία* 1954, 73.

2. Cf. A. DELIKOSTOPOULOS, *Αἱ ἐκκλησιολογικαὶ θέσεις τῆς Ρωμαιοκαθολικῆς Ἐκκλησίας ὡς δογματικὸν πρόβλημα τοῦ θεολογικοῦ διαλόγου*, p. 111, n. 566.

Church which were set out in the second canon of the Council of Constantinople.

As principal spokesman amongst all the patriarchs of the Orthodox East, the Oecumenical Patriarch holds not only *πρεσβεία τιμῆς* — prerogatives of honour —, but also prerogatives of real ecclesiastical power. As a result he has been and is supreme administrator and judge for the faithful of his own jurisdictional area. He also acts as such for the entire Orthodox East on general ecclesiastical matters, but always in cooperation with the other patriarchs. All Christians, but particularly the heads of autocephalous churches, have been able to approach his throne, not just to show respect, but also in accordance with canonical order to ask for guidance, receive direction and be given final judgement. In sum, he was the church leader whose consent was necessary in every ecclesiastical act. Without such consent, the act would lack all authority.<sup>1</sup>

I should like to close this book by stressing once again that while exercising its ecclesiastical power the Oecumenical throne has always borne in mind the idea of service offered in the Orthodox world and amongst the Orthodox Churches. It has never interpreted or exercised this power in the sense of some Orthodox neo-papacy *sui generis*.

*Power and service* are indeed mutually contradictory, power usually destroying any idea of service; this has frequently been seen in history. However, when the Oecumenical throne exercises the power given it by the canons and by history, the aspect which predominates is that of *offering service* in the entire Orthodox oecumeny, thus imitating and carrying on the unique example of Our Lord Jesus Christ, Who, being Lord and God and bringing about the salvation of the human race by His three-fold office, "*did not consider*" all these things "*to be a windfall . . . but emptied Himself*" (Phil. II, 7) in the belief that for this alone was He called, that "*He came not to be served but to serve.*"

In the past the Oecumenical throne has been acutely sensitive in exercising the responsibility deriving from its position of *πρωτόθρονος*, consistent always to the injunction to serve and follow the Lord's example. It still remains today firmly devoted to its oecumenical mission to carry on exercising its canonical power amongst the sister Orthodox churches, always in the context of the sense of *service* expressed in fraternal collegiality. It is always ready to serve in every way the sister churches and unity between them, in fulfilment of Orthodoxy's world-wide mission and to the glory of Christ.

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1. BARSOV, op. cit., 537-539.

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